

## CHAPTER 2

CHARTER

- |                         |                                 |
|-------------------------|---------------------------------|
| 2.01 Title              | 2.04 Number and Term of Council |
| 2.02 Form of Government | 2.05 Term of Mayor              |
| 2.03 Powers and Duties  | 2.06 Copies on File             |

2.01 TITLE. This chapter may be cited as the charter of the City of Grimes, Iowa.

2.02 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules and regulations of the City.

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 376.2)

2.06 COPIES ON FILE. The Clerk shall keep an official copy of the charter on file with the official records of the Clerk and the Secretary of State, and shall keep copies of the charter available at the Clerk's office for public inspection.

~~(Code of Iowa, Sec. 372.1)~~

EDITOR'S NOTE

Ordinance No. 131 adopting a charter for the City was passed and approved by the Council on July 8, 1975. The charter was amended by Ordinance No. 184, adopted May 13, 1980, changing the terms of Council Members and Mayor to four (4) years.

## CHAPTER 4

MUNICIPAL INFRACTIONS

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|------------------------------|--------------------------|
| 4.01 Municipal Infraction    | 4.04 Civil Citations     |
| 4.02 Environmental Violation | 4.05 Alternative Relief  |
| 4.03 Penalties               | 4.05A Habitual Violators |
|                              | 4.06 Criminal Penalties  |

4.01 MUNICIPAL INFRACTIONS. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exceptions of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 364.22[3])

4.02 ENVIRONMENTAL VIOLATION. A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

(Code of Iowa, Sec. 364.22[1])

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. Sec. 403.8.
2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products or by a person in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

4.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

(Code of Iowa, Sec. 364.22[1])

1. Standard Civil Penalties.

A. First Offense – Not to exceed \$~~5075~~0.00

B. Each Repeat Offense – Not to exceed \$~~1,705~~00.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties.

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. Sec. 403.8, by an industrial user shall be punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation shall be punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation shall not be subject to such penalty if all of the following conditions are satisfied:

(1) The violation results solely from conducting an initial up, start-up, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

(2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight (8) hours.

**4.04 CIVIL CITATIONS.** Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 60 and subject to the conditions of Rule of Civil Procedure 60.1. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22[4])

1. The name and address of the defendant.

2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.

8. The legal description of the affected real property, if applicable.

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4.04A HABITUAL VIOLATORS. Any person who is given notice of violation of the same or similar type three times within a 36-month period, at any address in the city, shall be deemed to be a habitual violator.

4.05 ALTERNATIVE RELIEF.

1. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22[810])

2. When it is determined by the City that a person is a habitual violator, the City may file a civil action in the district court seeking an order enjoining the person from further violation of this article on real estate owned or controlled by such person or real estate where such person acts as an agent, tenant, or lessee of any residential dwelling, commercial establishment and/or real estate within the City. The City may further request that upon entry of the injunction the court allow the City to abate further violations without notice and/or seek an order of contempt.

4.06 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

## CHAPTER 4

## MUNICIPAL INFRACTIONS

| (Code of Iowa, Sec. 364.22[1~~+~~2])

## CHAPTER 5

OPERATING PROCEDURES

- |                            |   |
|----------------------------|---|
| 5.01 Oaths                 | 5.08 Resignations                                   |
| 5.02 Bonds                 | 5.09 Removal of Appointed Officers<br>and Employees |
| 5.03 Duties: General       | 5.10 Vacancies                                      |
| 5.04 Books and Records     | 5.11 Unlawful Use of City Property                  |
| 5.05 Transfer to Successor | 5.12 Gifts  |
| 5.06 Open Meetings         |   |
| 5.07 Conflict of Interest  |   |

5.01 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Grimes as now or hereafter required by law."

(Code of Iowa, Sec. 63.10)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

- A. Mayor
- B. City Clerk
- C. Members of all boards, commissions or bodies created by law.

(Code of Iowa, Sec. 63A.2)

5.02 BONDS. Surety bonds are provided in accordance with the following:

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk,

Treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.~~132~~ et seq.)

2. Bonds Approved. Bonds shall be approved by the Council.  
(Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Financial Director.  
(Code of Iowa, Sec. 64.23[6])

4. Record. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective or appointive.  
(Code of Iowa, Sec. 64.24[3])

5.03 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.  
(Code of Iowa, Sec. 372.13[4])

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request, unless some other provision of law expressly limit such right or require such records be kept confidential.  
(Code of Iowa, Sec. 22.1 & 22.2)

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to the officer's successor in office all books, papers, records, documents and property in the officer's custody and appertaining to that office.  
~~(Code of Iowa, Sec. 372.13[4])~~

5.06 OPEN MEETINGS. All meetings of the Council, any board or commission, or any multimembered body formally and directly created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. Notice of any such meeting shall be provided pursuant to law.  
(Code of Iowa, Sec. 21.3 & 21.4)

5.07 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

1. ~~Compensation of Officers.~~ The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

(Code of Iowa, Sec. 362.5)

2. ~~Investment of Funds.~~ The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

(Code of Iowa, Sec. 362.5)

3. ~~Stock Interests.~~ Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

(Code of Iowa, Sec. 362.5)

4. ~~Newspaper.~~ The designation of an official newspaper.

5. ~~Existing Contracts.~~ A contract in which a ~~V~~City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be removed.

(Code of Iowa, Sec. 362.5)

6. ~~Volunteers.~~ Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5)

7. ~~Corporations.~~ A contract with a corporation in which a City officer or employee has an interest by reason of stock holding when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

(Code of Iowa, Sec. 362.5)

8. ~~Contracts.~~ Contracts made by the City upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, Sec. 362.5)



9. ~~Cumulative Purchases.~~ Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1,500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5)

10. ~~Franchise Agreements.~~ Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5)

11. ~~An employee of a bank or trust company, who serves as treasurer of the City.~~

(Code of Iowa, Sec. 362.5)

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12. ~~A contract that is a bond, note, or other obligation of the City and the contract is not acquired directly from the City, but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.~~

(Code of Iowa, Sec. 362.5)

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5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased.

(Code of Iowa, Sec. 372.13[9])

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES. Except as otherwise provided by State or City law, all persons appointed to City office or employment may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within thirty (30) days after the date of the mailing of the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13[2])

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.1~~5~~3[2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13[2b])

5.11 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2[5])

5.12 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

## CHAPTER 6

ELECTIONS

## A. CITY ELECTIONS PROCEDURE

## B. ELECTION PRECINCTS

6.01 Nominating Method to be Used

6.02 Nominations by Petition

6.03 Adding Name by Petition

6.04 Preparation of Petition and Affidavit

6.05 Filing, Presumption,

Withdrawals, Objections

6.06 Persons Elected

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ~~ten~~twenty five eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1~~[8]~~)

6.03 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition shall add to the signature the elector's residence address and date of signing. The person whose nomination is proposed by the petition shall not sign it. Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the Secretary of State and shall include information required by the Code of Iowa.

(Code of Iowa, Sec. 45.3)

6.05 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.8[3])

## B. GENERAL ELECTIONS

6.10 Precincts Established

6.11 Precinct No. 1

6.12 Precinct No. 2

6.13 Precinct No. 3

6.14 Correction of errors

6.15 Publication of Changes

6.10 PRECINCTS ESTABLISHED. The City is divided into three precincts as set forth in Section 6.11 through Section 6.13, with that area of the City which is located within Dallas County to be controlled by a separate Memorandum of Agreement with Dallas County, Iowa, to be included by Dallas County within its precinct ordinance.

6.11 PRECINCT NO. 1. Precinct No. 1 consists of all properties in the City of Grimes, entirely in Polk County, that are west of the centerline of State Highway 141 and north of the centerline of 1<sup>st</sup> Street; AND also consists of all properties within Polk County (excluding properties within the city limits of the City of Grimes) north of the centerline of State Highway 44, that are bounded on the west by the Polk-Dallas County Line and on the east and north by the city limits of the City of Grimes.

6.12 PRECINCT NO. 2. Precinct No. 2 consists of all properties in the City of Grimes, entirely in Polk County, that are west of the centerline of State Highway 141 and south of the centerline of 1<sup>st</sup> Street; AND also consists of all properties within Polk County (excluding properties within the city limits of the City of Grimes) south of the centerline of State Highway 44 and north of the centerline of SW 19<sup>th</sup> Street, that are bounded on the west by the Polk-Dallas County Line, and on the east by the city limits of the City of Grimes.

6.13 PRECINCT NO. 3. Precinct No. 3 consists of all properties in the City of Grimes, entirely in Polk County, that are east of the centerline of State Highway 141.

6.14 CORRECTION OF ERRORS. If this chapter fails to place any part of the City within a precinct established by this chapter, the commissioner of elections shall assign the omitted area to an adjacent precinct within the same legislative district. If this chapter places any part of the City in more than one precinct established by this chapter, the commissioner of elections shall assign that

territory to an adjacent precinct within the proper legislative district. The commissioner of elections may also correct obvious clerical errors in this chapter.

6.15 PUBLICATION OF CHANGES. The City shall publish notice of the boundaries for the precincts established by this chapter, pursuant to law. The City shall also certify the population of all precincts, a copy of this chapter, and a map drawn in conformance thereto, to the Secretary of State on or before September 1, 2011.

## CHAPTER 8

FEES FOR MUNICIPAL SERVICES

## 8.01 Rates

## 8.03 Definition

## 8.02 Notification

## 8.04 Billings and Collections

8.01 RATES. Anyone requesting or utilizing the work or assistance of municipal employees on an individualized basis shall be charged an hourly rate for these services. These hourly rates are as follows:

City Administrator	\$55.00 per hour
City Clerk	\$40.00 per hour
Zoning Administrator/Building Official	\$50.00 per hour
Financial Director	\$40.00 per hour
Sewer, Street or Water Treatment Department Superintendent	\$40.00 per hour
Sewer, Street or Water Treatment Department Laborer	\$30.00 per hour

8.02 NOTIFICATION. When an individual receives individualized service from a City employee listed in Section 8.01, the City Administrator shall be responsible for notifying the individual who has received or will receive these services that the City will expect reimbursement pursuant to the rates outlined in Section 8.01. The City Administrator shall mail the notification and rate schedule to the individual's last known mailing address.

8.03 DEFINITION. Individualized services are those services provided by the City which primarily benefit a private property owner, developer, contractor, subcontractor, plumber, electrician or individual, but not the common good. The City Administrator shall be responsible for determining when City services have been or will be supplied on an individualized basis, and not for the common good of the City.

8.04 BILLINGS AND COLLECTION. The Financial Director shall prepare a specific form to be utilized by City employees for reporting time spent on projects determined to be for the benefit of an individual. When the form has been completed by the City employee, it shall be forwarded to the City Administrator for approval. Once approved by the City Administrator, the form shall be sent to the Financial Director, who shall prepare an invoice to be sent to the individual. The invoice shall be sent to the individual's last known mailing address. Invoices shall be sent on a monthly basis and all charges for the prior months shall be billed within the first ten (10) days of the following month. The charged

individual shall be given thirty (30) days to pay any charges for the City services provided under this Chapter. After that date, the City may pursue any legal remedies available to it against the charged individual, and the charged individual shall be responsible for all costs connected with the collection of the delinquent billing, including, but not limited to, court costs, interest at the legal rate, and attorney fees.~~The Financial Director shall prepare a form to be utilized by City employees for reporting time spent on projects determined to be for the benefit of an individual. When the form has been completed by a City employee, it shall be forwarded to the City Administrator for approval. Once approved by the City Administrator, the form shall be forward to the Financial Director, who shall prepare the proposed billing in final form. The Financial Director shall send the billing to the individual's last known mailing address. These bills shall be sent on a monthly basis and all charges for the prior months shall be billed within the first ten (10) days of the following month. The charged individual shall be given thirty (30) days to pay any charges for the City services provided under this Chapter. After that date, the City may pursue any legal remedies available to it against the charged individual, and the charged individual shall be responsible for all costs connected with the collection of the delinquent billing, including, but not limited to, court costs, interest at the legal rate, and attorney fees.~~

## CHAPTER 12

HOTEL AND MOTEL TAX

12.01 Tax Imposed

12.04 Collection

12.02 Definitions

12.05 Restrictions on Use of  
Revenues

12.03 Effective Date of Tax

12.01 TAX IMPOSED. There is imposed a seven percent (7%) hotel and motel tax upon the gross receipts from the renting of any and all the renting of sleeping rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, manufactured or mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals; except the gross receipts from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the state of Iowa and the guests of religious institution if the property is exempt under Iowa Code section 427.1, subsection 8, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.

(Code of Iowa, Sec. 42~~23~~A.2 A.1et seq.)

12.02 DEFINITIONS. "Renting" and "rent" as used in this chapter, include any kind of direct or indirect charge for such sleeping rooms, apartments, or sleeping quarters, or their use. However, the tax does not apply to the gross receipts from the renting of a sleeping room, apartment, or sleeping quarters while rented by the same person for a period of more than thirty-one consecutive days.

(Code of Iowa, Sec. 42~~23~~A.12)

12.03 EFFECTIVE DATE OF TAX. The hotel and motel tax as set forth in this chapter shall be imposed on all gross rent receipts received after April 1, 2004.

12.04 COLLECTION. The tax imposed in this chapter shall be remitted by the person or company liable for same to the Iowa State Director of Revenue in the manner required by State law.

(Code of Iowa, Sec. 42~~23~~A.16)

12.05 RESTRICTIONS ON USE OF REVENUES. The revenue derived from the tax imposed by this chapter shall be accounted for as follows:

1. All revenue received by the City from the imposition of the hotel and motel tax shall be deposited in the General Fund of the City.



2. The City shall allocate each year an amount not to exceed  $\frac{2}{7}$  of the total hotel motel tax revenues to fund projects proposed by the Greater Des Moines Convention and Visitor's Bureau (CVB), pursuant to a 28E Agreement, and which are approved by the City Council during the normal budgeting process.

3. The balance of the revenues, including any funds not approved for use by the CVB, shall be used to fund community improvements such as parks, recreations, and community improvement projects. Under all circumstances not less than 50% of the revenues from the hotel motel tax shall be used for projects as described in section 42~~23~~<sup>23</sup>A.2(4)(a) of the Code of Iowa.

## CHAPTER 15

MAYOR

- |                         |                    |
|-------------------------|--------------------|
| 15.01 Term of Office    | 15.04 Compensation |
| 15.02 Powers and Duties | 15.05 Voting       |
| 15.03 Appointments      |                    |

15.01 TERM OF OFFICE. The Mayor is elected for a term of four (4) years.  
(Code of Iowa, Sec. 376.2)

15.02 POWERS AND DUTIES. The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. Except for supervisory duties which have been delegated by ordinance to the City Administrator, the Mayor shall oversee and give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

(Code of Iowa, Sec. 372.14[1])

2. Presiding Officer. Act as presiding officer at all regular and special Council meetings. The Mayor Pro Tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14[1 & 3])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

~~(Code of Iowa, Sec. 372.14[1])~~

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor exercises such veto power, the Mayor shall explain the reason for such veto in a written message to the Council at the time of the veto. The Council may override the Mayor's veto by a two-thirds majority of the Council members.

(Code of Iowa, Sec. 380.5 & 380.6[2])

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.

7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. Upon order of the Council, ~~the~~ issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:  
(Code of Iowa, Sec. 372.4)

~~1. Mayor Pro Tem~~

1. Mayor Pro Tem

~~2.~~ Library Board of Trustees

~~3.~~ Park and Recreation Advisory Board

~~4.~~ Planning and Zoning Commission

~~5.~~ Public Health and Safety Advisory Board

~~6.~~ Council Liaisons

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15.04 COMPENSATION. The salary of the Mayor is five hundred dollars (\$500.00) per month. Beginning on January 1, 2014, the Mayor shall be paid a salary of six hundred dollars (\$600.00) per month.  
(Code of Iowa, Sec. 372.13[8])

15.05 VOTING. The Mayor is not a member of the Council and may not vote as a member of the Council.  
(Code of Iowa, Sec. 372.4[2])

## CHAPTER 17

COUNCIL

17.01 Number and Term of Council	17.05 Appointments
17.02 Powers and Duties	17.06 Compensation
17.03 Exercise of Power	17.07 Department
17.04 Meetings	Liaisons

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for overlapping terms of four (4) years.  
(Code of Iowa, Sec. 372.4 & 376.2)

17.02 POWERS AND DUTIES. The powers and duties of the Council include, but are not limited to the following:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

(Code of Iowa, Sec. 364.2[1])

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.

(Code of Iowa, Sec. 372.13[7])

3. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. **If** shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.

(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38[1])

4. Public Improvements. The Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.

(Code of Iowa, Sec. 364.2[1])

5. Contracts. The Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the Council, or reduced to writing and approved by the Council, or expressly authorized by ordinance or resolution adopted by the Council.

(Code of Iowa, Sec. 364.2[1] & 384.95 through 384.102)

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

(Code of Iowa, Sec. 372.13[4])

7. Records. The Council shall require the Clerk to maintain records of its proceedings.

(Code of Iowa, Sec. 372.13[33])

8. Setting Compensation for Elected Officials. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

(Code of Iowa, Sec. 372.13[8])

17.03 EXERCISE OF POWER. The Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

(Code of Iowa, Sec. 364.3[1])

1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the Council members. A motion to spend public funds in excess of one hundred ten thousand dollars (~~\$100,000.00~~~~\$10,000.00~~) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may repass the ordinance or resolution by a vote of not less than two-thirds of the Council members, and the ordinance or resolution becomes effective upon repassage and publication.

(Code of Iowa, Sec. 380.6[2])

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3. Measures Become Effective. Measures passed by the Council, other than motions, become effective in one of the following ways:

A. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6[1])

B. If the Mayor vetoes a measure and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6[2])

C. If the Mayor takes no action on the measure a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6[3])

17.04 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.

2. Special Meetings. Special meetings shall be held upon the call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record or the service of notice shall be maintained by the Clerk.

(Code of Iowa, Sec. 372.13[5])

3. Quorum. A majority of all Council members is a quorum.

(Code of Iowa, Sec. 372.13[1])

4. Rules of Procedure. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.

(Code of Iowa, Sec. 372.13[5])

5. Compelling Attendance. Any three (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

6. Notice of Meetings. The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda.

(Code of Iowa, Sec. 21.4)

7. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

8. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

9. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting in accordance with Chapter 21 of the Iowa Code.

(Code of Iowa, Sec. 21.5)

10. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

11. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.

(Code of Iowa, Sec. 21.8)

17.05 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

- |                       |                               |
|-----------------------|-------------------------------|
| 1. City Clerk         |                               |
| 2. City Attorney      | 5. Zoning Board of Adjustment |
| 3. City Administrator | 6. Zoning Administrator       |

## 4. City Treasurer

17.06. COMPENSATION. The salary of each Council Member is two hundred fifty (\$250.00) per month. Beginning on January 1, 2014, the Council shall be paid at a rate of three hundred fifty (\$350.00) per month.

(Code of Iowa, Sec. 372.13[8])

17.07. DEPARTMENT AND ORGANIZATIONS OF INTEREST TO THE CITY

LIAISONS. The Mayor shall assign each of the Council members the responsibility of being a liaison of one or more departments or organizations of interest to the City. These departments or organizations of interest to the City may include but are not limited to: Sewer Treatment; Water Treatment; Library Board, Park and Recreation Advisory Board, Cemetery; Street Department; Planning and Zoning Commission, Metro Advisory Council (MAC), Council Roundtable, Metro Waste Authority (MWA), Economic Development, Polk County Sheriff's Department and Fire & Rescue.

The Council member/department liaison shall have the responsibility for attending all meetings of their assigned department or organization of interest to the City, and shall report on the recommendations or actions of the department or organization of interest to the Council whenever requested to do so. A Council member who has a relative within the third degree of sanguinity who is an employee of the City shall not be assigned the responsibility of being the department liaison for the relative/City employee's department.



## CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Recording and Publication of Meeting Minutes	18.10 Issue Licenses and Permits
18.04 Recording Measures Considered	18.11 Notify Appointees
18.05 Publication	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certify Measures	18.14 City Funds

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January following the regular city election the Council shall appoint by majority vote a City Clerk to serve for a term of two (2) years. The Clerk shall receive such compensation as established by resolution of the Council.

(Code of Iowa, Sec. 372.13[3])

18.02 POWERS AND DUTIES: GENERAL. The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

18.03 RECORDING AND PUBLICATION OF MEETING MINUTES. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim.

(Code of Iowa, Sec. 380.7)

18.04 RECORDING MEASURES CONSIDERED. The Clerk shall promptly record each measure considered by the Council, with a statement where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

(Code of Iowa, Sec. 380.7~~HH~~)

18.05 PUBLICATION. The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by the Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days

before the date of the election, hearing or other action, unless otherwise provided by law.

(Code of Iowa, Sec. 362.3[1])

2. Manner of Publication. A publication required by the Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City, ~~except that ordinances and amendments may be published by posting in the following places:~~

~~\_\_\_\_\_ City Hall  
\_\_\_\_\_ Grimes Library  
\_\_\_\_\_ Mr. Bill's Grocery~~

~~The City Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.~~

(Code of Iowa, Sec. 362.3[2])

18.06 AUTHENTICATION. The Clerk shall authenticate all such measures except motions with the Clerk's signature, certifying the time and manner of publication when required.

(Code of Iowa, Sec. 380.7[34])

18.07 CERTIFY MEASURES. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

18.08 RECORDS. The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use.

(Code of Iowa, Sec. 380.7[45])

2. Custody. Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

(Code of Iowa, Sec. 372.13[4])

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records or documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

(Code of Iowa, Sec. 372.13[3 & 5])

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[4])

5. Filing of Communications. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

(Code of Iowa, Sec. 372.13[4])

18.09 ATTENDANCE AT MEETINGS. At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

(Code of Iowa, Sec. 372.13[4])

18.10 ISSUE LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show the date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

(Code of Iowa, Sec. 372.13[4])

18.11 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.

(Code of Iowa, Sec. 372.13[4])

18.12 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations:

1. In the event of a change in the method of nomination process used by the City, certify to the Commission of Elections the type of nomination process to be used by the City no later than seventy-seven (77) days before the date of the regular City election.

(Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to electorate, to the County Commission or Elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which is the word "GRIMES" and around the margin the words "TOWN SEAL – IOWA."

18.14 CITY FUNDS. The Clerk shall perform the following duties relating to City funds:

(Code of Iowa, Sec. 372.13[4])

1. Receipt for Funds. Prepare a receipt in quadruplicate for all funds received, and give the original to the party delivering the funds, send duplicates to the Treasurer and Financial Director, and retain one copy.

2. Transfer Funds. Immediately upon receipt of moneys to be held in his or her custody and belonging to the City, transfer the moneys to the Financial Director for deposit of the same in depositories selected by the Council in amounts not exceeding monetary limits authorized by the Council.

## CHAPTER 20

CITY ATTORNEY

- |                                    |  |
|------------------------------------|--|
| 20.01 Appointment and Compensation | 20.08 Attendance at Council Meetings   |
| 20.02 Attorney for City            | 20.09 Prepare Documents                |
| 20.03 Power of Attorney            | 20.10 Representation of City Employees |
| 20.04 Ordinance Preparation        | 20.11 Semiannual Report                |
| 20.05 Review and Comment           |  |
| 20.06 Opinion on Contracts         |  |
| 20.07 Provide Legal Opinion        |  |

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by a majority vote a City Attorney to serve for a term of two (2) years. The City Attorney shall receive such compensation as established by resolution of the Council.

(Code of Iowa, Sec. 372.1~~23~~[4])

20.02 ATTORNEY FOR CITY. The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

(Code of Iowa, Sec. 372.13[4])

20.03 POWER OF ATTORNEY. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

(Code of Iowa, Sec. 372.13[4])

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

(Code of Iowa, Sec. 372.13[4])

20.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a report to the Council and interested department heads, giving an opinion on all contracts, documents, resolutions or ordinances submitted to or coming under the City Attorney's notice.

(Code of Iowa, Sec. 372.13[4])

20.06 OPINION ON CONTRACTS. The City Attorney shall, at the request of the Council, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City.

(Code of Iowa, Sec. 372.13[4])

20.07 PROVIDE LEGAL OPINION. The City Attorney shall, upon request, give advice or a written legal opinion upon all questions of law relating to City matters submitted by the Mayor, Council, members of the Council individually, City boards or the head of any City department.

(Code of Iowa, Sec. 372.13[4])

20.08 ATTENDANCE AT COUNCIL MEETINGS. The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

(Code of Iowa, Sec. 372.13[4])

20.09 PREPARE DOCUMENTS. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

(Code of Iowa, Sec. 372.13[4])

20.10 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not be paid by the City to appear on behalf of any City officer or employee before any court or tribunal for the purely private benefit of said officer or employee. However, if directed by the Council, the City Attorney shall appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

20.11 SEMIANNUAL REPORT. The City Attorney shall make a semiannual report in writing to the Council, which report shall contain a record of every legal matter considered by the City Attorney during the course of the previous six months and the disposition made of all legal matters pending which may interest the City.

## CHAPTER 23

LIBRARY BOARD OF TRUSTEES

23.01 Public Library	23.07 Nonresident Use
23.02 Library Trustees	23.08 Expenditures
23.03 Qualifications of Trustees	23.09 Annual Report
23.04 Organization of the Board	23.10 Injury to Books or Property
23.05 Powers and Duties	23.11 Theft
23.06 Contracting with Other Libraries	23.12 Notice Posted

23.01 PUBLIC LIBRARY. The public library for the City is known as the Grimes Public Library. It is referred to in this chapter as the Library.

23.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of five (5) resident members. All members are to be appointed by the Mayor with the approval of the Council.

23.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City. Members shall be over the age of eighteen (18) years.

23.04 ORGANIZATION OF THE BOARD. The organization of the Board is as follows:

1. Term of Office. All appointments to the Board are for six (6) years, except to fill vacancies. Each term shall be made every two (2) years of one-third (1/3) of the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees receive no compensation for their services.

23.05 POWERS AND DUTIES. The Board has and exercises the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.



2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To select, or authorize the librarian to select, and make purchase of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationary and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefore unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title of said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

11. ~~Enforce the Performance of Conditions on Gifts.~~ To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.

~~(Code of Iowa, Ch. 661)~~

12. Record of Proceedings. To keep a record of ~~the Library's~~ proceedings.

13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

23.06 CONTRACTING WITH OTHER LIBRARIES. The Board has the power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other board of trustees of free public libraries, any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

(Code of Iowa, Sec. 392.5 & Ch. 28E)

2. Termination. Such contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

23.07 NONRESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

23.08 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

~~(Code of Iowa, Sec. 384.2 & 392.5)~~

23.09 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

23.10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously, or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

23.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

23.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure to Return. Failure to return Library materials for two (2) months or more after the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

## CHAPTER 24

PLANNING AND ZONING COMMISSION

24.01 Planning and Zoning Commission

24.04 Compensation

24.02 Term of Office

24.05 Powers and Duties

24.03 Vacancies

24.01 PLANNING AND ZONING COMMISSION. There shall be appointed by the Mayor a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of five (5) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

24.02 TERM OF OFFICE. The term of office of the members of the Commission is five (5) years. The terms of not more than one-third of the members will expire in any one year.

~~(Code of Iowa, Sec. 392.1)~~

24.03 VACANCIES. If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

~~(Code of Iowa, Sec. 392.1)~~

24.04 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which are subject to the approval of the Council.

~~(Code of Iowa, Sec. 392.1)~~

24.05 POWERS AND DUTIES. The Commission has and exercises the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

~~(Code of Iowa, Sec. 392.1)~~

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

~~(Code of Iowa, Sec. 392.1)~~

3. Annual Report. The Commission shall each year make a report to the Mayor and Council of its activities during the preceding fiscal year.

~~(Code of Iowa, Sec. 392.1)~~

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, appurtenances, shall be located or erected, or site therefore obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvements when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

~~(Code of Iowa, Sec. 392.1)~~

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or resubdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

~~(Code of Iowa, Sec. 392.1)~~

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or locations thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

~~(Code of Iowa, Sec. 392.1)~~

7. Zoning. The Commission shall have and exercise all the powers and duties and privileges in preparing and amending the City zoning code as provided by Chapter 414 of the Code of Iowa.

~~(Code of Iowa, Sec. 414.6)~~

8. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

~~(Code of Iowa, Sec. 392.1)~~

9. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

~~(Code of Iowa, Sec. 392.1)~~

## CHAPTER 25

PARK AND RECREATION ADVISORY BOARD

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| 25.01 Board Created                 | 25.05 Meetings and Reports |
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25.01 BOARD CREATED. A ~~p~~Park and Recreation Advisory Board is hereby created to advise the ~~City~~Council on facilities and funds which are needed to provide open space such as parks and playgrounds, and community facilities for other types of recreation.

25.02 ORGANIZATION.

1. The Board shall consist of five (5) members appointed by the Mayor for overlapping three-year terms with the expiration of the terms staggered for a three-year period. The two positions of the two Board Members whose terms expired January 01, 2008 who asked to not be reappointed shall be removed permanently. The one position of the third board member whose term expired January 01, 2008 shall be re-~~e~~appointed. The remaining terms stay in effect. Subsequent appointments shall be for three-year terms. Members of the Board shall serve without compensation, but may receive reimbursement for their actual expenses. In the event a vacancy arises, a new Board member shall be appointed by the Mayor with the approval of the Council, and the Board members so appointed shall serve out the unexpired term. Said vacancy shall be filled within sixty (60) days after the position becomes vacant.

2. Qualifications for Board Members shall be a minimum age of eighteen years and reside within the corporate limits of the City of Grimes, Polk County, Iowa. Board Members are required to possess a vital interest in parks and recreation as demonstrated by application for the position and recommendation by a citizen of Grimes. Furthermore no new appointee to the Board may serve on another recreation or club board while they are serving their term on the Board.

3. Any Board Member may be reappointed, provided no person may serve for more than three (3) consecutive full terms which may be either preceded or succeeded by a partial term.

4. Any Board Member may be removed from the Board by the Mayor, with the concurrence of the Council, for good and sufficient cause which



shall be stated in writing and filed with the Clerk and a copy thereof filed with the Chairperson of the Board. Any Board Member may be removed from the Board for good and sufficient cause upon recommendation of the Board, with the concurrence of the Mayor and the ~~City~~ Council. In addition, two (2) unexcused absences, or three (3) total absences from regularly scheduled meetings in any one calendar year are grounds for dismissal from the Board.

#### 25.03 ELECTION OF OFFICERS.

1. The officers of the Board will be a Chairperson, Vice Chairperson and Secretary.
2. The Chairperson, Vice Chairperson and the Secretary will be elected by the Board at the first meeting in January, nomination having been made from the floor. A majority vote of those present shall constitute and election, providing a quorum is present.
3. Tenure of Office. The tenure of an officer shall be for a period of one year. An officer may be elected for a succeeding year but not more than three years.

#### 25.04 POWER AND DUTIES OF OFFICERS.

1. Chairperson. The duties of the Chairperson shall be:
  - A. To preside over all meetings of the Board.
  - B. To call special meetings.
  - C. To represent or designate a representative of the Board at public affairs.
  - D. To act as the liaison between the Board and the ~~City~~ Council.
  - E. To vote only in the case of a tie.
2. Vice Chairperson. The duties of the Vice Chairperson shall be:
  - A. To act as the Chairperson in the event that the office of the Chairperson is vacated due to illness, resignation, absence or other cause.
  - B. To vote on Board action.

- C. To perform other duties as assigned.
- 3. Secretary. The duties of the Secretary shall be:
  - A. To review and maintain a permanent record of and sign the proceedings of all Board meetings.
  - B. To be responsible for forwarding copies of all proceedings to the office of the City Clerk.
  - C. To notify Board members and others entitled to be informed of any special meetings.
  - D. Other duties as assigned.

#### 25.05 MEETINGS AND REPORTS.

- 1. Regular meetings of the Board shall be at monthly intervals.
- 2. Special meetings may be called by the Chairperson or upon the request of at least two (2) Board Members with not less than three (3) days notice of such meeting.
- 3. All meetings are to be held at a time and place designated by the Board and shall be open to the public pursuant to the Iowa Open Meeting Law.
- 4. Minutes of each meeting and any requested reports shall be kept and filed with City Hall and submitted to the ~~City~~ Council.
- 5. The regular meeting held in January of each year shall be known as the organizational meeting. The purpose of this meeting shall be the election of officers, the appointments of committees, the determination of the time and place of regular meetings for the upcoming year and other business that may need to come before such meeting. At any meeting of the Board, a majority of the Board (four members) shall constitute a quorum. A quorum shall be present before the Board takes action on any matter before the Board.

#### 25.06 DUTIES. The Board shall have the following powers and responsibilities:

- 1. Recommend plans for the development of the park and recreation system, consistent with the overall City Comprehensive Plan.

2. Make recommendations on the purchase, sale, lease or exchange of park property.
3. Make recommendations on policies and regulations for the control, operation, supervision and maintenance of the park and recreation programs.
4. Make recommendations on fees and charges and any conditions under which services may be rendered to users of the park and recreation facilities.
5. Make recommendations on applications for grants and subsidies from any other unit of government.
6. Annually submit an operating and capital budget for the park and recreation programs as requested by the ~~City~~ Council or City Administration.
7. Develop and implement a program for informing the community of the importance of the park system and of recreational programs.
8. Seek citizens' input with and serve as liaison between the residents of the City and ~~City~~the Council.
9. May seek donations and gifts in the name of the City of real or personal property or mixed property and devises and bequests, including trust funds, executed deeds and bills of sale for the conveyance of such property. Title to all property shall be taken in the name of the City and all moneys shall be deposited with the City Clerk to the credit of the Park and Recreation account.
10. Development and implement the rules and regulations for the City's park system.

25.07 WRITTEN REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable or upon Council request. Its revenues and expenditures shall be reported monthly by the City Administrator, in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the City Administrator's report to the Council.

CHAPTER 26**PUBLIC HEALTH AND SAFETY ADVISORY BOARD**

26.01 Board Created  
26.02 Organization  
26.03 Election of Officers  
26.04 Powers and Duties of Officers

26.05 Meetings and Reports  
26.06 Duties  
26.07 Written Reports

26.01 BOARD CREATED. A Public Health and Safety Advisory Board is hereby created to accomplish the following purposes:

- | (A)—\_Serve in an advisory capacity to the ~~City~~ Council, regarding the growth and development of the public health and safety programs of the city.
- | (B)—\_Recommend to the ~~Cie~~Council programs, policies and ordinances that will benefit and promote the public health and safety needs of the community.
- | (C)—\_Seek to promote close cooperation between the ~~e~~City and all private citizens, institutions, agencies and associates interested in or conducting public health and safety activities, to the end that all public health and safety resources within the ~~e~~City may be coordinated to secure the greatest public welfare.

26.02 ORGANIZATION.

1. The Board shall consist of five (5) members appointed by the Mayor, three of which shall be qualified electors of the city, the Fire Chief or his/her designee and the Polk County Sheriff or his/her designee or the Chief of Police or her/her designee (whichever is applicable) for overlapping three-year terms with the expiration of the terms staggered for a three-year period. Members of the Board shall serve without compensation, but may receive reimbursement for their actual expenses. In the event a vacancy arises, a new Board member shall be appointed by the Mayor and the Board members so appointed shall serve out the unexpired term. Said vacancy shall be filled within sixty (60) days after the position becomes vacant.

2. Qualifications for Board Members shall be a minimum age of eighteen years and reside within the corporate limits of the City of Grimes, Polk County, Iowa. Board Members are required to possess a vital interest in health and public safety as demonstrated by application for the position and recommendation by a citizen of Grimes.

3. Any Board Member may be reappointed, provided no person may serve for more than three (3) consecutive full terms which may be either preceded or succeeded by a partial term.

4. Any Board Member may be removed from the Board by the Mayor, with the concurrence of the Council, for good and sufficient cause which

shall be stated in writing and filed with the Clerk and a copy thereof filed with the Chairperson of the Board. Any Board Member may be removed from the Board for good and sufficient cause upon recommendation of the Board, with the concurrence of the Mayor and the ~~City~~-Council. In addition, two (2) unexcused absences, or three (3) total absences from regularly scheduled meetings in any one calendar year are grounds for dismissal from the Board.

#### 26.03 ELECTION OF OFFICERS.

1. The officers of the Board will be a Chairperson, Vice Chairperson and Secretary.
2. The Chairperson, Vice Chairperson and the Secretary will be elected by the Board at the first meeting in January, nomination having been made from the floor. A majority vote of those present shall constitute and election, providing a quorum is present.
3. Tenure of Office. The tenure of an officer shall be for a period of one year. An officer may be elected for a succeeding year but not more than three years.

#### 26.04 POWER AND DUTIES OF OFFICERS.

1. Chairperson. The duties of the Chairperson shall be:
  - A. To preside over all meetings of the Board.
  - B. To call special meetings.
  - C. To represent or designate a representative of the Board at public affairs.
  - D. To act as the liaison between the Board and the ~~City~~ Council.
  - E. To vote only in the case of a tie.
2. Vice Chairperson. The duties of the Vice Chairperson shall be:
  - A. To act as the Chairperson in the event that the office of the Chairperson is vacated due to illness, resignation, absence or other cause.
  - B. To vote on Board action.
  - C. To perform other duties as assigned.

3. Secretary. The duties of the Secretary shall be:

- A. To review and maintain a permanent record of and sign the proceedings of all Board meetings.
- B. To be responsible for forwarding copies of all proceedings to the office of the ~~City~~ Clerk.
- C. To notify Board members and others entitled to be informed of any special meetings.
- D. Other duties as assigned.

26.05 MEETINGS AND REPORTS.

- 1. Regular meetings of the Board shall be at monthly intervals.
- 2. Special meetings may be called by the Chairperson or upon the request of at least two (2) Board Members with not less than three (3) days notice of such meeting.
- 3. All meetings are to be held at a time and place designated by the Board and shall be open to the public pursuant to the Iowa Open Meeting Law.
- 4. Minutes of each meeting and any requested reports shall be kept and filed with City Hall and submitted to the ~~City~~ Council.
- 5. The regular meeting held in January of each year shall be known as the organizational meeting. The purpose of this meeting shall be the election of officers, the appointments of committees, the determination of the time and place of regular meetings for the upcoming year and other business that may need to come before such meeting. At any meeting of the Board, a majority of the Board (four members) shall constitute a quorum. A quorum shall be present before the Board takes action on any matter before the Board.

26.06 DUTIES. The Board shall have the following powers and responsibilities:

- (1) Under ~~e~~Council direction, the ~~public health and safety~~ ~~b~~B~~o~~ard will review and recommend rules, procedures and ordinances for consideration by the ~~e~~City ~~a~~A~~d~~ministrator, relating to the management of a public health and safety program.
- (2) In accordance with the administrative policies and procedures established by the ~~e~~City ~~a~~A~~d~~ministrator, the ~~public health and safety~~ ~~b~~B~~o~~ard may solicit or receive any gifts or bequests of money or other

personal property, or any donations to be applied, principal or income, for either operating expenses or purchase of materials, buildings or property.

(3) The ~~public health and safety b~~Board shall, with the approval of the ~~e~~City ~~a~~Administrator, on behalf of the ~~e~~Council, coordinate public health and safety activities that employ the leisure time of the citizenry in a constructive and wholesome manner.

(4) The ~~public health and safety b~~Board shall prepare, submit and review on an annual basis with the ~~C~~city ~~a~~Administrator, recommendations to the ~~e~~Council for a five-year capital improvements plan.

(5) The ~~public health and safety b~~Board shall submit on October 1 of each year a progress report to the ~~city e~~Council summarizing its activities, major accomplishments for the past year and a proposed work program for the coming year. The report shall contain for the year the attendance record of all ~~Board m~~Members and the identity of public health and safety board officers.

(6) The ~~public health and safety b~~Board, at the direction of the ~~city e~~Council, shall study, hold public hearings and submit reports on any topics pertaining to public health and safety program planning that the ~~city e~~Council deems appropriate.

(7) The ~~public health and safety b~~Board shall forward recommendations to the ~~e~~City ~~a~~Administrator, on behalf of the ~~e~~Council, with regards to the public health and safety budget.

26.07 WRITTEN REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable or upon Council request. Its revenues and expenditures shall be reported monthly by the City Administrator, in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the City Administrator's report to the Council.

## CHAPTER 30

CONTRACT LAW ENFORCEMENT

## 30.01 Contract Law Enforcement

## 30.02 Peace Officer: Duties

30.01 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties of the Peace Officer as provided herein.  
(Code of Iowa, 28E.30)

30.02 PEACE OFFICER: DUTIES. A Peace Officer has the following powers and duties subject to the approval of the Council.

1. General. Perform all duties required by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to said Peace Officer.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Public Safety. The Peace Officer's report shall, be made within twenty-four hours after completing such investigation.  
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests and Investigations. On a monthly basis submit to the Mayor and Council a record of all arrests and investigations made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge or investigation.

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## CHAPTER 30

## CONTRACT LAW ENFORCEMENT

9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Impound Vehicles. Impound vehicles pursuant to Section 70.06 of this Code of Ordinances.

## CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose	35.10 Accidental Injury Insurance
35.02 Organization	35.11 Liability Insurance
35.03 Qualifications	35.12 Malpractice Insurance
35.04 Training	35.13 Calls Outside City
35.05 Compensation	35.14 Mutual Aid
35.06 Election of Officers	35.15 Authority to Cite Violations
35.07 Fire Chief: Duties	35.16 Rescue Unit
35.08 Obedience to Fire Chief	35.17 Rescue Call Charges
35.09 Constitution	

35.01 ESTABLISHMENT AND PURPOSE. A voluntary fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.  
(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.  
(Code of Iowa, Sec. 372.13[4])

35.03 QUALIFICATIONS. Any resident of the City over the age of eighteen (18) may be appointed to serve as a volunteer fire fighter. Appointment is contingent upon the information supplied by the resident through written application and available openings within the department.

35.04 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.  
(Code of Iowa, Sec. 372.13[4])

35.05 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.  
(Code of Iowa, Sec. 372.13[4])

35.06 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as their constitution and bylaws may provide, but the election of chief shall be subject to the approval of the Council. In case of absence of the chief the officer next in rank shall be in charge and have and exercise all the powers of chief.

35.07 FIRE CHIEF: DUTIES. The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

(Code of Iowa, Sec. 372.13[4])

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

4. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec. 102.2)

5. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

6. Command. Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.

7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

8. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has

occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incident.

(Code of Iowa, Sec. 100.2 & 100.3)

9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

10. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, Sec. 100.12 & 100.13)

11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.43)

12. Records. Cause to be kept records of the fire department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

13. Reports. Compile and submit to the Mayor and Council such reports on the status and activities of the department as may be requested by the Mayor or Council.

35.08 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief.

35.09 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such

constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

35.10 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

35.11 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 670.2 & 517A.1)

35.12 MALPRACTICE INSURANCE. The Council shall purchase malpractice liability insurance coverage for each member of the Grimes Rescue Unit who has been certified as a basic or advanced emergency medical provider or a first responder pursuant to the rules of the Iowa Public Health Department.

35.13 CALLS OUTSIDE CITY. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons or property within the City limits. The department shall also answer calls to fires on premises outside the City limits in areas covered by an agreement between the City and the township trustees, or for which a mutual aid agreement exists between the City and another governmental entity.

(Code of Iowa, Sec. 364.4[2 & 3])

35.14 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments, township trustees or other government entities. Copies of any such agreements shall be filed with the Clerk.

(Code of Iowa, Sec. 364.4 [2 & 3])

35.15 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.

(Code of Iowa, Sec. 100.41)

35.16 RESCUE UNIT. The department is authorized to provide emergency rescue services and the insurance provided for herein shall include such operation. A captain for this volunteer group will be elected from within the unit. The captain will be responsible for the care and maintenance of the vehicle and emergency supplies and shall keep a record of the names, ages and residences of this unit and maintain attendance records for drill meetings and rescue calls.

35.17 RESCUE CALL CHARGES. The Grimes City Council shall authorize and approve by resolution an assessment for Rescue Call Charges as recommended by the Grimes Fire Department.

## CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose	36.05 Notifications
36.02 Definitions	36.06 Police Authority
36.03 Cleanup Required	36.07 Liability
36.04 Liability for Cleanup Costs	

36.01 PURPOSE. In order to reduce the danger to the public health, safety and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

36.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. "Cleanup" means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.  
(Code of Iowa, Sec. 455B.381[1])
2. "Hazardous Condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.  
(Code of Iowa, Sec. 455B.381[4])
3. "Hazardous Substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.  
(Code of Iowa, Sec. 455B.381[5])
4. "Responsible person" means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and

any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of the cleanup shall be ~~paid borne~~ by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, such notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

36.05 NOTIFICATIONS.



1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Fire Department or Sheriff's Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition. The Fire Chief or Sheriff shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Sheriff's Department or Fire Department, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02[4] [above](#).

## CHAPTER 40

PUBLIC PEACE

40.01 Assault

40.04 Unlawful Assembly

40.02 Harassment

40.05 Failure to Disperse

40.03 Disorderly Conduct

40.01 ASSAULT. No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1[1])

2. Threat of Pain or Injury. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(Code of Iowa, Sec. 708.1[2])

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace, the act is not an assault. Additionally, any actions taken by school officials who intervene in fights or disruptive situations at school or any school function as long as the intervention is reasonably necessary to restore order and to protect those assembled, the act is not an assault.

(Code of Iowa, Sec. 708.1[3])

40.02 HARASSMENT. No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:

A. Communicates with another by telephone, telegraph, ~~or writing~~, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7)

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by ~~such~~another person.

(Code of Iowa, Sec. 708.7)

C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7)

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

40.03 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to the sport.

(Code of Iowa, Sec. 723.4[1])

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

(Code of Iowa, 723.4[2])

3. Abusive Language. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

(Code of Iowa, Sec. 723.4[3])

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4[4])

5. False Report of a Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4[5])

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.

(Code of Iowa, Sec. 723.4[6])

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Sec. 723.4[7])

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

40.05 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

## CHAPTER 41

PUBLIC HEALTH AND SAFETY

- |  |  |
|--|--|
| 41.01 Distributing Dangerous Substances            | 41.09 Discharging Weapons                      |
| 41.02 False Reports to Law Enforcement Authorities | 41.10 Throwing and Shooting                    |
| 41.03 Interference with Official Acts              | 41.11 Urinating and Defecating                 |
| 41.04 Refusing to Assist Officer                   | 41.12 Fireworks Permit                         |
| 41.05 Harassment of Public Officers and Employees  | 41.13 Portable Chemical Toilets                |
| 41.06 Abandoned or Unattended Refrigerators        | 41.14 Residency Requirements for Sex Offenders |
| 41.07 Antenna and Radio Wires                      |  |
| 41.08 Barbed Wire and Electric Fences              |  |

41.01 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, § 727.1)

41.02 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur. Likewise, giving a false report to any public safety entity, making a false emergency 911 call, or providing false information to a law enforcement officer who enters the information on a citation, is a simple misdemeanor.

(Code of Iowa, § 718.6)

41.03 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically. Violation of this section is punishable in accordance with state law, Iowa Code § 719.1.

(Code of Iowa, § 719.1)

41.04 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer by assistance in making or attempting to make an arrest, or to prevent the

commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render the assistance when so required.

(Code of Iowa, § 719.2)

41.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, § 718.4)

41.06 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

(Code of Iowa, § 727.3)

41.07 ANTENNA AND RADIO WIRES. It is unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, public way, public ground or public building without written consent of the Council.

(Code of Iowa, § 364.12[2])

41.08 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

41.09 DISCHARGING WEAPONS. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns, airguns or other firearms of any kind within the City limits except by written consent of the Council, except that hunting is permitted upon areas zoned "unclassified". However, no person shall hunt game within 300 yards of any building inhabited by people or domestic livestock unless the owner or tenant has given consent.

41.10 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into the street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council.

~~(Code of Iowa, § 364.12[2]2)~~

41.11 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including by not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

41.12 FIREWORKS PERMIT. It is unlawful for any person to use or explode any fireworks as defined in § 727.2 of the Code of Iowa; provided the Council may, upon application in writing, and payment of a fee set by Council resolution, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by the Council when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- |                     |                           |
|---------------------|---------------------------|
| 1. Personal Injury: | - \$250,000.00 per person |
| 2. Property Damage: | - \$50,000.00             |
| 3. Total Exposure:  | - \$1,000,000.00          |

41.13 PORTABLE CHEMICAL TOILETS. The use of a portable chemical toilet in any area zoned as R-1, R-2, R-3, R-4 or R-5 under Chapter 165 of the Code of Ordinances is prohibited unless such toilet is required by Federal or State statute, administrative rule or regulation or unless such portable chemical toilet is placed behind the residential unit away from the street, has a permit obtained from the City Administrator and meets rules established by the Council. For the purpose of this section, "portable chemical toilet" means any movable free-standing toilet device equipped with bacterial chemicals to store and neutralize waste until such waste can be discharged into a sewage treatment facility.

41.14 RESIDENCY RESTRICTIONS FOR SEX OFFENDERS.

1. Definitions. As used in this Section 41.14, and unless the context otherwise requires:
  - A. "Aggravated offense" means a conviction for any of the following offenses against a minor:
    - (1) Sexual abuse in the first degree in violation of Iowa Code § 709.2.
    - (2) Sexual abuse in the second degree in violation of Iowa Code § 709.3.
    - (3) Sexual abuse in the third degree in violation of Iowa Code §

709.4(1).

- (4) Lascivious acts with a child in violation of Iowa Code § 709.8(1).
- (5) Assault with intent to commit sexual abuse in violation of Iowa Code § 709.11.
- (6) Burglary in the first degree in violation of Iowa Code § 713.3(1)(d).
- (7) Kidnapping, if sexual abuse as defined by Iowa Code § 709.1 is committed during the offense.
- (8) Murder, if sexual abuse as defined by Iowa Code § 709.1 is committed during the offense.

~~(9) Criminal transmission of human immunodeficiency virus in violation of Iowa Code § 709C.1(1)(a).~~

- B. "Child care facility" means any child care center, preschool or Registered child care homes.
- C. "Criminal offense against a minor" means any of the following criminal offenses or conduct:
  - (1) Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by the parent.
  - (2) False imprisonment of a minor, except if committed by a parent.
  - (3) Any indictable offense involving sexual conduct directed toward a minor.
  - (4) Solicitation of a minor to engage in an illegal sex act.
  - (5) Use of a minor in a sexual performance.
  - (6) Solicitation of a minor to practice prostitution.
  - (7) Any indictable offense against a minor involving sexual conduct with a minor



- (8) An attempt to commit an offense enumerated in this subsection.
  - (9) Incest committed against a minor.
  - (10) Dissemination and exhibition of obscene material to minors in violation of Iowa Code § 728.2.
  - (11) Admitting minors to premises where obscene material is exhibited in violation of Iowa Code § 728.3.
  - (12) Stalking in violation of Iowa Code § 708.11 (3)(b)(3), if the fact-finder determines by clear and convincing evidence that the offense was sexually motivated.
  - (13) Sexual exploitation of a minor in violation of Iowa Code § 728.12.
  - (14) Enticing ~~away~~ a minor in violation of Iowa Code § 710.10(1).
  - (15) An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs 1-14 of this subsection.
- D. "Other relevant offense" means any of the following offenses against a minor:
- (1) Telephone dissemination of obscene materials in violation of Iowa Code § 728.15.
  - (2) Rental or sale of hard-core pornography in violation of Iowa Code § 728.4.
  - (3) Indecent exposure in violation of Iowa Code § 709.9.
  - (4) A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs 1-3 of this subsection, if committed in this state.
- E. "Park" means any public or non-public park, including a park, forest preserve, or conservation area under the jurisdiction of the state, a unit of local government, or a private homeowner's association, and any facilities thereon, as well as any playground, which for the purposes of this Ordinance shall mean a piece of land owned or

controlled by the state, a unit of local government or a private entity, that has been designated by said entity for the use solely or primarily for children's recreation. (i.e. youth league baseball, youth softball, youth soccer).

- F. "Person" means a person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor.
  - G. "Residence" means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.
  - H. "Sexually violent offense" means any of the following indictable offenses:
    - (1) Sexual abuse as defined under Iowa Code § 709.1.
    - (2) Assault with intent to commit sexual abuse in violation of Iowa Code § 709.11.
    - (3) Sexual misconduct with offenders in violation of Iowa Code § 709.16.
    - (4) Any of the following offenses, if the offense involves sexual abuse or intended sexual abuse: murder, attempted murder, kidnapping, burglary or manslaughter.
    - (5) A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs 1-4 if committed in this state.
2. Residency Restriction. A person shall not reside within two thousand feet of the real property comprising of any of the following child-oriented facilities:
- A. a public or non-public elementary or secondary school;
  - B. a public or non-public park or playground;
  - C. a public swimming pool;
  - D. a public library;
  - E. a multi-use recreational trail; or

F. a child care facility

The distance of two thousand feet shall be measured from the closest boundary line of the residence to the closest boundary line of the child-oriented facility as identified above.

3. Residency Exception. A person residing within two thousand feet of the real property comprising a child-oriented facility identified in Section 2 does not commit a violation of this article if any of the following apply:
  - A. The person has established a residence prior to the effective date of this ordinance;
  - B. A child-oriented facility as identified in Section 2 is newly located on or after the effective date of this ordinance and the person has established a residence prior to the date of the start of construction operation or acquisition of such newly located child-oriented facility; or
  - C. The person is a minor or a ward under guardianship.
4. Violations. Any person who resides within two thousand feet of a child-oriented facility as identified in Section 2 in violation of this Section 41.14 shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by the Grimes Code of Ordinances and the Code of Iowa or shall be guilty of a municipal infraction punishable by civil penalty as provided by the Grimes Code of Ordinances.

## CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing	42.04 Unauthorized Entry
42.02 Criminal Mischief	42.05 Fraud
42.03 Defacing Proclamations or Notices	42.06 Theft

42.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term "property" includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term "trespass" means one of more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

1. Entering Property Without Permission. Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

(Code of Iowa, Sec. 716.7[2a])

2. Entering or Remaining on Property. Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

(Code of Iowa, Sec. 716.7[2b])

3. Interfering with Lawful Use of Property. Entering upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Code of Iowa, Sec. 716.7 [2c])

4. Using Property Without Permission. Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, Sec. 716.7[~~2d~~4])

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has

accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as possible, and does not unduly interfere with the lawful use of the property.

(Code of Iowa, Sec. 716.7~~[(36)]~~)

42.02 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy tangible property.

(Code of Iowa, Sec. 716.1)

42.03 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

42.05 FRAUD. It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the Code of Iowa.

(Code of Iowa, Sec. 714.8)

42.06 THEFT. It is unlawful for any person to commit theft as defined in Section 714.1 of the Code of Iowa.

(Code of Iowa, Sec. 714.1)

## CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under the Age of  
~~Eighteen~~Twenty-One

45.032 Public Consumption or  
Intoxication

~~45.02 Persons Age Eighteen,  
Nineteen and Twenty~~

45.043 Open Containers on  
Streets and Highways

45.01 PERSONS UNDER THE AGE OF ~~EIGHTEEN~~TWENTY-ONE. ~~Persons under the age of eighteen (18)~~—A person shall not<sup>1</sup> sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under the legal age of ~~eighteen~~eighteen ~~(18)~~(21), and a person or persons under the age of ~~eighteen (18)~~twenty-one (21) shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control except for medicinal purposes as administered to the person by either a physician or dentist and except to the extent that a person under the age of eighteen (18) may handle alcoholic beverages, wine and beer during the regular course of the persons employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47)

~~45.02 PERSONS AGE EIGHTEEN, NINETEEN AND TWENTY. A person shall not sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that the person is age eighteen (18), nineteen (19) or twenty (20). A person age eighteen, nineteen or twenty shall not purchase or possess alcoholic liquor, wine or beer. However, a person age eighteen, nineteen or twenty may posses alcoholic liquor, wine or beer given to the person within a private home with the knowledge, presence and consent of a person's parent or guardian, or with the signed, written consent of the person's parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, and a person age eighteen, nineteen or twenty may handle alcoholic liquor, wine or beer during the course of the person's employment by a liquor licensee or wine or beer permittee. A person violating this subsection is guilty of a simple misdemeanor, punishable as a scheduled violation.~~

~~(Code of Iowa, Sec. 123.47A)~~

45.032 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:

- A. "Arrest" means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.
- B. "Chemical test" means a test of a person's blood, breath or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.
- C. "Peace Officer" means the same as defined in Section 801.4 of the Code of Iowa.
- D. "School" means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of the person's breath to determine that person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.043 OPEN CONTAINER ON STREETS AND HIGHWAYS. A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic

beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this paragraph is guilty of a simple misdemeanor.

(Code of Iowa, Sec. 123.28)



CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.02 Contributing to Delinquency

46.01 CIGARETTES AND TOBACCO. ~~A person under eighteen (18) years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes.~~

(Code of Iowa, Sec. 453A.2)

46.02 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

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## CHAPTER 47

PARK REGULATIONS

47.01 Purpose	47.14 Ice Skating
47.02 Definition	47.15 Baseball
47.03 Use of Drives Required	47.16 Golf Balls
47.04 Commercial Vehicles	47.17 Moving Benches and Tables
47.05 Designated Parking Areas	47.18 Unauthorized Signs
47.06 Public Meetings	47.19 Posted Notices
47.07 Animals or Pets	47.20 Disorderly and Obscene Conduct; Nuisances
47.08 Structures, Equipment and Animals	47.21 Responsibility of Parent or Guardian
47.09 Removal of Wood, Grass or Gravel	47.22 No Alcoholic Liquor in Park
47.10 Destruction of Plant Life	47.23 Shelter
47.11 Fires	47.24 Parks Closed
47.12 Fireworks, Weapons and Explosives	47.25 Posting Rules
47.13 Littering	47.26 Light Use Policy
	<u>47.27 Tobacco-Free Parks and Trails Policy</u>

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

~~(Code of Iowa, § 364.12)~~

47.02 DEFINITION. The park system shall be defined as all city-owned land and equipment used for recreational purposes. The park system shall also include all trails and greenbelts designated for public use and included in the comprehensive plan. All trails and greenbelt areas designated for public use will be governed by the rules of this Chapter regardless of their ownership.

47.03 USE OF DRIVE REQUIRED. No person shall ride or drive any motorized vehicle, or other animal of nature upon any sidewalks, walking paths, walkways, bikeways, cement areas or grass areas within the confines of the City Parks. No person shall ride or drive in any public park except upon established roadways and shall not exceed a speed limit of ten (10) miles per hour. Electric personal assistive mobility devices are exempt from this section.

47.04 COMMERCIAL VEHICLES. No person shall drive a truck or other commercial vehicle of any kind along or over any park roads or drives except for delivery of its load for use in such park.

47.05 DESIGNATED PARKING AREAS. No person shall park an automobile, wagon or other vehicle in any public park except in places so designated by appropriate signs.

47.06 PUBLIC MEETINGS. Public meetings, religious, political or otherwise, including picnic parties and entertainment for charitable and religious purposes may be held in any public park upon first obtaining permission from the Clerk or other designated official of the City. Such assemblages shall be conducted in a lawful and orderly manner and shall be under the supervision of the designated City representative and shall occupy such ground or building as may be assigned to or reserved for them. No alcohol shall be sold during such use except upon receiving special written permission from the Council.

47.07 ANIMALS OR PETS. No animals or pets shall be allowed to run at large in any public park. Any animal or pet found in any such park shall be deemed to be found running at large, unless the owner carries such animal or pet or leads the same by a chain, strap or rope not exceeding six (6) feet in length, or keeps such animal confined in a wagon, automobile or other vehicle by a chain, rope or strap not exceeding six (6) feet in length. Furthermore any person who walks an animal on public grounds shall be responsible for the proper and immediate disposal of solid waste excreted by that animal. This section shall not apply to animals under control of a handicapped person and especially trained for the purpose of assisting handicapped persons. Such persons shall keep the guide dog or pet under control and shall be liable for any damage done to the premises or facilities by the dog or pet.

47.08 STRUCTURES, EQUIPMENT AND ANIMALS. No person shall disturb, damage or interfere with any building, equipment or improvements of any kind made or being made in and about any public park or disturb or interfere with birds or animals kept or found therein.

47.09 REMOVAL OF WOOD, GRASS OR GRAVEL. No person shall cut or remove any wood, turf, grass, soil, rock, sand or gravel from any public park without written permission of the Council or City Administrator.

47.10 DESTRUCTION OF PLANT LIFE. No person shall in any manner deface, injure or remove any trees, shrubs or plants standing or growing in any public park or pick or destroy any flowers or seeds growing therein.

47.11 FIRES. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.12 FIREWORKS, WEAPONS AND EXPLOSIVES. No person shall use firearms, weapons, firecrackers or explosives of any character in any public park, except by the approval of the City Council.

47.13 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

47.14 ICE SKATING.

47.15 BASEBALL. No person shall throw, hit or play with a baseball in any City park other than in areas clearly designated by signs or on a designated baseball field.

47.16 GOLF BALLS. No person shall drive, hit or play with a golf ball in any City park except in designated areas.

47.17 MOVING BENCHES AND TABLES. No person shall move benches, seats or tables from their places in any park, except on picnic grounds, and then only within the designated areas.

47.18 UNAUTHORIZED SIGNS. No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure along or within any park.

47.19 POSTED NOTICES. No person shall enter upon portions of any public park in disregard of signs and posted notices forbidding the same.

47.20 DISORDERLY AND OBSCENE CONDUCT; NUISANCES. No person shall use any loud, violent, obscene or profane language while in any public park, nor shall any person conduct himself or herself in a disorderly or obscene manner or commit any nuisance therein.

47.21 RESPONSIBILITY OF PARENT OR GUARDIAN. No parent, guardian, or custodian of a minor shall permit or allow such minor to do any act prohibited by any provision of this chapter.

47.22 NO ALCOHOLIC LIQUOR IN PARK. No person shall have in his or her possession or consume any alcohol in the public park.

47.23 SHELTER. The park shelters may be reserved for the exclusive use of groups or persons or organizations without charge, provided that such requests for reservations must be made to the City Hall no later than 5:00 P.M. on the day before the proposed use of said shelter. Reservations are made on a first-come

first served basis. The City will issue a certificate stating that the shelter has been reserved; however, the City will not monitor nor enforce the use of the shelters after said reservation has been made to ensure that it is open for the reservee.

**47.24 PARKS CLOSED.** No person shall enter or remain within any park between the hours of ten o'clock (10:00) p.m. and five thirty (5:30) a.m. unless special permission has been given by the custodian of the park for such person or groups of persons to remain there. A person shall not be considered in violation of this section if they are using the City park system as a safe travel-way to their destination.

**47.25 POSTING RULES.** Signs containing a summary of the rules set out in this section shall be posted in conspicuous places in the public parks.

**47.26 LIGHT USE POLICY.** The Council shall, from time to time, adopt by resolution, a light use policy to govern the usage and the fees associated with the lights at the Sports Complex.

**47.27 Tobacco-Free Parks and Trails Policy.** Section 142D.3 of the Code of Iowa (the Smokefree Air Act) prohibits smoking in public places, including the following out-door areas: the seating areas of outdoor sports arenas and the grounds of any public buildings owned or under the control of a city; therefore no tobacco shall be allowed in or discarded in any of the city parks, trails or green spaces. Tobacco is defined as any smoking or spit tobacco product, including any lit or unlit cigarette, cigar, blunt, bidis, clove cigarette, e-cigarette, pipe, chewing tobacco, dissolvable tobacco, dip, snuff or snus and includes any other product or item containing or reasonable resembling tobacco or tobacco products. Tobacco-Free signs shall be posted in all parks, trails, and facilities that conform to the requirement of Section 142D.6 of the Code of Iowa. Any person found violating this policy will be asked to cease use of tobacco and leave the city park or facility premises.

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## CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01	Definition of Nuisance	50.08	Request for Hearing
50.02	Nuisances Enumerated	50.09	Abatement in Emergency
50.03	Other Conditions	50.10	Abatement by City
50.04	Nuisances Prohibited	50.11	Collection of Costs
50.05	Nuisance Abatement	50.12	Installment Payment of Cost of Abatement
50.06	Notice to Abate: Contents	50.13	Failure to Abate
50.07	Method of Service		

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property so as to interfere essentially with the comfortable enjoyment of life or property, and is unreasonable, is a nuisance.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

1. Offensive Smells. Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

(Code of Iowa, Sec. 657.2[1])

2. Filth or Noisome Substance. Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

(Code of Iowa, Sec. 657.2[2])

3. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

(Code of Iowa, Sec. 657.2[3])

4. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

(Code of Iowa, Sec. 657.2[4])

5. Blocking Public and Private Ways. Obstructing or encumbering, by

fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

(Code of Iowa, Sec. 657.2[5])

6. Billboards. Billboards, signboards and advertising signs, whether erected or constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (See also Section 62.08)

(Code of Iowa, Sec. 657.2[7])

7. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. (See also Chapter 51)

(Code of Iowa, Sec. 657.2[~~109~~])

8. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

(Code of Iowa, Sec. 657.2[~~140~~])

9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

(Code of Iowa, Sec. 657.2[~~4211~~])

10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. (See also Chapter 151)

(Code of Iowa, Sec. 657.2[~~132~~])

11. Airport Air Space. Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

(Code of Iowa, Sec. 657.2[~~98~~])

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2[6])

~~12.~~

13. Animal waste. – See Chapter 55

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~~(Code of Iowa, Sec. 657.2[6])~~

50.03 OTHER CONDITIONS. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions which are deemed to be nuisances:

1. Junk and Junk Vehicles (See Chapter 51)
2. Dangerous Buildings (See Chapter 145)
3. Storage and Disposal of Solid Waste (See Chapter 105)
4. Trees (See Chapter 151)
5. Swimming Pools (See Section 156.04)

50.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

(Code of Iowa, Sec. 364.12[3h])

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

(Code of Iowa, Sec. 364.12[3h])

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.



4. Reasonable Time. A reasonable time within which to complete the abatement not to exceed 5 days.

5. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person. Failure to comply will be deemed a municipal infraction.

50.07 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, Sec. 364.12[3h])

50.08 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

50.09 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

(Code of Iowa, Sec. 364.12[3h])

50.10 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City.

(Code of Iowa, Sec. 364.12[3h])

50.11 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

~~(Code of Iowa, Sec. 364.12[3h])~~

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds ~~one~~<sup>five</sup> hundred dollars (\$~~1~~<sup>5</sup>00.00), the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.  
(Code of Iowa, Sec. 364.13)

50.13 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

#### EDITOR'S NOTE

A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances.

Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

## CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.04 Exceptions

51.02 Junk and Junk Vehicles Prohibited

51.05 Notice to Abate

51.03 Junk and Junk Vehicles a Nuisance

51.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber or salvaged wood; dismantled vehicles, machinery or appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. "Junk Vehicle" means any vehicle unlicensed and which has any or the following characteristics:

A. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

B. Inoperable. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable.

C. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes Without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of

the City any junk or junk vehicle. A violation of this chapter is a municipal infraction under Chapter 4 of this Code of Ordinances.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, then the owner of or such person occupying the property upon which it is located shall be ~~prima facie~~ liable for said violation.

~~(Code of Iowa, Sec. 364.12[3a])~~

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances or pursue such matter as a municipal infraction under Chapter 4 of this Code of Ordinances.

~~(Code of Iowa, Sec. 364.12[3a])~~

## CHAPTER 56

DOG and CAT LICENSE REQUIRED

56.01 Annual License Required

56.02 License Fees

56.03 License Tags

56.04 License Records

56.05 Immunization

56.06 Duplicate Tags

56.07 Kennel Dogs

56.01 ANNUAL LICENSE REQUIRED. Any person owning or harboring a dog or cat or either sex over six months of age shall procure a license therefore from the City Clerk between January 1 and March 31 of each year, or within thirty days of the date any dog or cat is acquired or brought into the City.

56.02 LICENSE FEES. The annual license fee for each dog or cat subject to licensing under the provisions of this chapter is five (\$5.00) per year, and such fee shall be paid on or before March 31 of each year or within thirty days after acquisition of such dog or cat.

56.03 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness which shall be worn at all times by the dog for which issued. A license issued for one dog shall not be transferable to another dog. Upon the expiration of the license the owner shall remove said tag from the dog.

(Code of Iowa, ~~See Chapter: 351.6, 351.7, 351.8 and 351.13~~)

56.04 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

(Code of Iowa, ~~Sec. Chapter 351.11 and 351.22~~)

1. The serial number and date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the dog or cat.
3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat shall be revaccinated.

4. The amount of all fees paid.
5. Such other data as may be required by law.

56.05 IMMUNIZATION. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within six months from the effective date of the dog or cat license. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog or cat.

(Code of Iowa, Sec. 351.3~~4~~<sup>3</sup>, 351.35)

A. Vaccinations Required

1. Dogs. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies
2. Cats. It is unlawful for any owner to keep a cat in said person's possession, six months of age or over, which has not been vaccinated against rabies and distemper.
3. Certificate Required. The Clerk shall not issue a dog or cat license unless a certificate is filed showing that the dog or cat to be licensed is vaccinated.
4. Owner Liability. All vaccinations required under the provisions of this chapter shall be conducted by a licensed veterinarian at the expense of the owner of said animal.

56.06 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag and the Clerk shall enter in the license record the new number assigned.

~~(Code of Iowa, Sec. 351.14)~~

56.07 KENNEL DOGS. Dogs kept in state or federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

~~(Code of Iowa, Sec. 351.1)~~

1. No license shall be required for kennel dogs. All kennel dogs over six months of age shall have a rabies vaccination by a licensed veterinarian not less than once every two years if the

vaccination is by modified live virus vaccine of egg embryo origin, or one year if by killed tissue vaccine.

2. The owner of any kennel within the City shall be required to register said owner's name and business address with the Clerk, and shall comply with this Code of Ordinances and other regulations.
3. Commercially built kennels where permitted cannot be located closer than 200 feet to the boundary of the nearest adjacent residential lot.
4. A kennel, for the purpose of this section, means the business of keeping or raising four or more kennel dogs, which are kept under constant restraint, solely for the bona fide purpose of sale.

## CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.05 Traffic Accidents: Reports
60.02 Definitions	60.06 Peace Officer's Authority
60.03 Administration and Enforcement	60.07 Obedience to Peace Officers
60.04 Power to Direct Traffic	60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Grimes Traffic Code."

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

1. "Business District" means the territory contiguous to and including the following designated streets:

- A. Highway 44 from Jacob Street to West City Limits;
- B. South Main Street from South Sixth Street to Highway 44;
- C. Highway 44 from Little Beaver Drive to East City Limits.

2. "Park or Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

3. "Peace Officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Code of Iowa, Sec. 321.1[450])

4. "Residence District" means the territory contiguous to an including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

(Code of Iowa, Sec. 321.1[5863])



5. "School District" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

(Code of Iowa, Sec. 321.1[~~59~~70])

6. "Stand or Standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while engaged in receiving or discharging passengers.

7. "Stop" means when required, the complete cessation of movement.

8. "Stop or Stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

9. "Suburban District" means all other parts of the City not included in the business, school or residence districts.

(Code of Iowa, Sec. ~~43~~21.1[~~60~~79])

10. "Traffic Control Device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

~~(Code of Iowa, Sec. 321.1[62])~~

11. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street or alley.

(Code of Iowa, Sec. ~~37~~221.1[~~19~~0])

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the peace officer.

~~(Code of Iowa, Sec. 372.13[4])~~

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

(Code of Iowa, Sec. 102.4 & 321.236[2])

60.05 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by

the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

(Code of Iowa, Sec. 321.273 & 321.274)

60.06 PEACE OFFICER'S AUTHORITY. Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license,, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle.

(Code of Iowa, Sec. 321.492)

60.07 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Approval Required. No parade shall be conducted without first obtaining approval from the Council. The person organizing or sponsoring the parade shall provide a description of the time and date for the parade and the streets or general route therefore, and any approval given to such person includes all participants in the parade, provided they have been invited to participate. No fee shall be required for such approval.
3. Parade Not a Street Obstruction. Any parade for which approval has been given and the persons lawfully participating therein shall not be deemed an obstruction of the streets, notwithstanding the provisions of any other ordinance to the contrary.
4. Control by Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

## CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Traffic Control Devices

61.02 Installation

61.03 Compliance

61.04 Crosswalks

61.05 Traffic Lanes

61.06 Necessity of Signs

61.07 Moving or Damaging Devices

61.08 Standards

61.01 TRAFFIC CONTROL DEVICES. The Public Works Department, at the direction of the City Administrator, shall determine locations for placement of, and the Council shall establish by resolution, and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power to designate and indicate by resolution intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

61.02 INSTALLATION. The City Administrator shall cause to be placed and maintained traffic control devices to carry out the provisions of the Traffic Code of the City under State law or to regulate, guide or warn traffic. The City shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.~~254 & 321~~.255)

61.03 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this Traffic Code unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

61.04 CROSSWALKS. The Public Works Department is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. ~~372.13[4] &~~ 321.255)

61.05 TRAFFIC LANES. Where traffic lanes have been marked on street pavements at such places as traffic conditions require, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the

boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, Sec. ~~372.13[4]~~ & 321.255)

61.06 NECESSITY OF SIGNS. No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in a viewable position and sufficiently legible to an ordinarily observant person.

61.07 MOVING OR DAMAGING DEVICES. It is unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic control device placed upon the streets of the City.

61.08 STANDARDS. Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, Sec. 321.255)

## CHAPTER 64

TURNING REGULATIONS

64.01 Authority to Mark

64.03 Left Turn for Parking

64.02 U-Turns

64.01 AUTHORITY TO MARK. The Council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersection, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, Sec. 321.~~311~~311)

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district and at any intersection where a sign prohibiting U-turns is posted in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.255)

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

## CHAPTER 69

PARKING REGULATIONS

69.01	Parking Limited or Controlled	69.18	Form and Use of Parking Citation
69.02	Park Adjacent to Curb	69.19	Payment or Contest of Parking Citation Complaints
69.03	Park Adjacent to Curb – One-way Street	69.20	Administrative Review Panel
69.04	Diagonal Parking	69.21	Action Following Administrative Review
69.05	Angle Parking – Manner	69.22	Assignment of Court Appearance Date
69.06	Parking for Certain Purposes Illegal	69.23	Failure to Pay or to Contest
69.07	Parking Prohibited	69.24	Redemption of Impounded Vehicle
69.08	Handicapped Parking	69.25	Failure of an Owner to Claim an Impounded Vehicle
69.09	Illegal Off-Street Parking	69.26	Notice of Impoundment
69.10	Private Off-Street Parking Facilities	69.27	Right to a Hearing
69.11	Truck Parking Limited	69.29	Appeal Process for Impounded
69.12	Snow Removal	69.30	Bids for Private Storage and Designation by Council
69.13	Parking Signs Required		
69.14	Recreational Vehicle Parking Prohibited		
69.15	Offenses by Owner		
69.16	Notice on Illegally Parked Vehicles		
69.17	Habitual Violator		

69.01. PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

69.02. PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, § 321.361)

69.03. PARK ADJACENT TO CURB – ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicles within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, § 321.361)

69.04. DIAGONAL PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, § 321.361)

1. South Main Street on the west side from South Second Street to South Third Street;

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2. South Main Street on the west side from S 3<sup>rd</sup> St., south 103 ft. (in front of Kastle Pointe Apartments) ;
3. South Third Street on the south side from S Main St., east 154ft to 326 ft (in front of the Presbyterian Church);
4. South Main Street on the east side from S 3<sup>rd</sup> St. south 225 ft to 288 ft (in front of the Dance Studio);
5. South Main Street on the west side from S 4<sup>th</sup> St., south 184 ft to 478 ft (in front of the City Community Building);
6. North Main Street on the west side from N 5<sup>th</sup> St north 136 ft to 450 ft; (in front of the Right Stuff);
7. South Second Street on the south side from S Main St, east 80 ft to 196 ft (in front of 404 and 408 S 2<sup>nd</sup>).

69.05 ANGLE PARKING – MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and marking. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, § 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours or for any of the following principal purposes:

(Code of Iowa, § 321.235~~(H)~~)

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except for such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.
5. Storage: Storage or as junk or dead storage.

69.07 PARKING PROHIBITED. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.  
(Code of Iowa, § 321.236[1] & 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.  
(Code of Iowa, § 321.236[1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
(Code of Iowa, § 321.236[1])
4. Sidewalks. On or across sidewalks.  
(Code of Iowa, § 321.358[1])
5. Driveway. In front of a public or private driveway.  
(Code of Iowa, § 321.358[1])
6. Intersection. Within, or within then (10) feet of an intersection of any street or alley.  
(Code of Iowa, § 321.358[3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.  
(Code of Iowa, § 321.358[4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
(Code of Iowa, § 321.358[6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.  
(Code of Iowa, § 321.358[9])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign



posted.

(Code of Iowa, § 321.358[9])

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(Code of Iowa, § 321.358[10])

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Hazardous Location. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the City Administrator may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, § 321.358[13])

14. Theatres, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church or other building where large assemblages of people are being held, within such space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, § 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet or the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

(Code of Iowa, § 321.236[1])

16. Ramps. In front of a curb but or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, § 321.358[15])

17. Parking Between Curb and Lot Lines:

A. Parking on un-curbed streets.

Parking, standing and driving is prohibited on unpaved areas in the

Code of Ordinances, Grimes, Iowa

front or side-yards of principal residential buildings. Parking is allowed on existing gravel pads. The maintenance of any existing gravel pad or parking area in the public right-of-way shall be maintained solely at the owner's expense. Sidewalks are not considered paved areas where parking, standing or driving is permitted, but -such activities are permitted on gravel driveways in existence as of May 1, 2006.

B. Parking on curbed-streets.

Parking, standing and driving is prohibited on unpaved areas between the curb and the front property line and in the front or side-yards of principal residential buildings. line of residential property. Sidewalks are not considered paved areas where parking, standing or driving is permitted, but -such activities are permitted on gravel driveways in existence as of May 1, 2006.

18. Parking along roadways designated as municipal collector streets in the following locations:

A. South 5<sup>th</sup> from Little Beaver to Woodbine between the hours of 12:00 A.M. – 6:00 P.M. Monday through Friday except on designated holidays then parking shall be permitted. Designated holidays shall be defined as: Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, 4<sup>th</sup> of July and Labor Day.

B. Woodbine from South 5<sup>th</sup> to South 3<sup>rd</sup>.

C. South 3<sup>rd</sup> from Woodbine to Gateway Drive.

D. Gateway Drive in Final Plat 1, Grimes Crossing.

19 FIRE LANES – No person shall stop, stand or park any vehicle, except authorized emergency vehicles, in a designated fire lane.

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69.08 HANDICAPPED PARKING. The following regulations shall apply to the establishment and use of handicapped parking areas:

1. Establishment. Handicapped parking spaces shall be established and designated in accordance with Chapter 321 of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street handicapped parking space without first obtaining Council approval.

2. Improper Use. The use of a handicapped parking space, located on

Code of Ordinances, Grimes, Iowa

either public or private property, by a motor vehicle not displaying a handicapped identification device, displaying such device but not being used by a handicapped person, or in violation of the rules adopted under Section 321L.8 of the Code of Iowa, constitutes improper use of a handicapped identification device, which is a misdemeanor.

(Code of Iowa, § 321L.4[2])

**69.09 ILLEGAL OFF-STREET PARKING.** No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of the privately owned property or facility. A violation of this provision shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the property or facility, the vehicle may be dealt with pursuant to this Code of Ordinances.

**69.10 PRIVATE OFF-STREET PARKING FACILITIES.** It is the duty of the property owner, lessee or person in charge of a privately owned off-street parking facility to erect appropriate signs giving notice of any restriction regarding the use of the private parking facility by vehicle operators. This regulation and any restriction placed on the use of the private parking facility by the owner shall not be effective unless such signs are erected and in place at the time of the alleged offense. When warning signs are so erected giving notice of any restrictions in the use of the private parking facility, no person shall disobey the restriction stated on the warning signs or be subject to the sanctions provided under this Code of Ordinances.

**69.11 TRUCK PARKING LIMITED.** No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick-ups, non-commercial light delivery, or non-commercial panel delivery trucks.

(Code of Iowa, § 321.236[1])

1. Business or Residential Districts. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle in any streets abutting property zoned "R-1", "R-2", "R-3", "C-2", and "C-3". When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time more than thirty (30) minutes.
3. Diagonal Parking Areas. No such vehicles shall be left unattended or parked on any diagonal or angle-parking district.

4. Two-hour limit. No such vehicle shall be left unattended or parked on any public street for a period of time in excess of two (2) hours.
5. Public Off-Street Parking. No such vehicle shall be left unattended or parked in a twenty-four (24) hour public off-street parking zone.
6. Semi-trailers and Special Mobile Equipment. It shall be unlawful to park a trailer, semi-trailer, implement of husbandry, special mobile equipment, mobile home or travel trailer, except bicycles, in a twenty-four hour (24) hour public off-street parking zone.
7. No person shall park any trailer not attached to a motor vehicle on any city street or public property.

69.12 SNOW REMOVAL. No person shall park or allow a vehicle to remain parked on a public street in the City from the time a designated snow event occurs until such time as the streets have been cleared of accumulated snow from curb-to-curb. The vehicle shall be removed immediately when there is a minimum of two (2) inches of snow on the ground or upon the announcement that the snow ordinance is in effect. The City Administrator or designee shall be responsible for determining when the snow is of sufficient depth to be defined as a designated snow event and when the enforcement of this ordinance shall begin. The City Administrator or designee is empowered to contact the designated media source when the snow ordinance is in effect and shall publish said designated media source in accordance with Grimes Code of Ordinances Chapter 18.05. The City Administrator or designee is also empowered to end the prohibition on parking.

69.13 PARKING SIGNS REQUIRED. Whenever by this chapter or any other section of the Code of Ordinances any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it is the duty of the Public Works Department to erect appropriate signs giving notice thereof and no such regulations are effective unless signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, § 321.255 & 321.256)

69.14 RECREATIONAL VEHICLE PARKING PROHIBITED. No person shall park a travel trailer, fifth wheel travel trailer or motor home, as defined in Iowa Code § 321.1(39), upon any roadway, unless in compliance with the directions of a peace officer.

69.15 OFFENSES BY OWNERS. It is unlawful for the owner or any other person employing or otherwise directing the driver or a vehicle to require or knowingly permit the stopping, standing, or parking of any vehicle upon the highway in any

manner contrary to law. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing or parking of a vehicle, whether the provision is contained in this Chapter, or the Code of Iowa or an ordinance or other regulation or rule if the owner establishes that at the time of the violation, the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in Chapter 321F, Code of Iowa. The furnishing to the Administrative Review Panel or the Clerk of District Court of Polk County, Iowa, where the charge is pending of a copy of the certificate of responsibility prescribed in § 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in custody of an identified person other than the owner within the meaning of this Chapter, and the charge against the owner shall be dismissed. If a peace officer has reasonable cause to believe the driver of a motor vehicle has violated any section of this Chapter, the officer may request any owner of the motor vehicle to supply information identifying the driver to the best of his or her ability. However, the owner of the vehicle is not required to supply information to the officer if the owner believes the information to be self-incriminating.

**69.16 NOTICE ON ILLEGALLY PARKED VEHICLES.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restriction imposed by this Chapter or any other City ordinance or State law, the officer or designated City employee finding such vehicle shall take the registration number and may take any other information displayed on the vehicle which may identify its owner or user and shall conspicuously affix to such vehicle a citation complaint in writing on a form as provided in Chapter 69.18 for the owner to appear to the charge against him or her at the City Clerk's office or in the District Court of Polk County, Iowa as designated in the citation complaint.

**69.17 HABITUAL VIOLATOR.** A delinquent parking citation complaint is one which has not been paid within 30 days of the date upon which the violation occurred. Any person who has allowed four or more overtime and/or illegal parking citation complaints issued on a motor vehicle or registration plate to become delinquent shall be deemed a habitual violator. No person shall park a vehicle and permit it to remain standing upon any public street or public metered lot or City owned parking lot when there are four or more delinquent parking citation complaints outstanding against that vehicle. A violation of this provision shall place the status of an illegally parked vehicle and the vehicle may be removed and impounded by any reasonably necessary means. Impounded vehicles shall be stored in the location designated by the City in compliance with this Chapter.

**69.18 FORM AND USE OF PARKING CITATION COMPLAINT FORMS.** Parking citation complaints shall be issued by any lawfully designated personnel upon serially numbered sets of parking citation complaint forms. Each copy of each citation complaint form shall be used as follows: one to be used as a notice of violation to be delivered to the owner of the vehicle; one to be placed on or

affixed to the illegally parked vehicle; one to be placed on file with the City Clerk which may be proceeded upon as a simple notice pursuant to § 321.236, Code of Iowa, which, if admitted, may be paid to the City Clerk as specified on the citation complaint or which, if denied, shall be sworn by an officer as an information and filed in the District Court of Polk County, Iowa upon the filing of a written request to receive a date for entering a court appearance and plea as provided in this Chapter; and one to be retained for record purposes by the City Clerk. Citation complaints which are denied as provided in this Chapter shall be filed in traffic division of the Clerk of District Court of Polk County, Iowa and prosecuted pursuant to law.

69.19 PAYMENT OR CONTEST OF PARKING CITATION COMPLAINTS. Parking citation complaints shall be paid at the office of the City Clerk within 30 days of issue unless the owner of the vehicle contests the parking citation complaint by filing a written request within seven days of the issuance of the citation for administrative review or for any appearance date before the District Court of Polk County, Iowa. The written request for administrative review shall be filed in the office of the City Clerk and shall stop the running of the 30 day period for payment. Upon a decision of the administrative review panel to uphold the parking citation complaint, the period for payment set out in this Chapter shall resume.

69.20 ADMINISTRATIVE REVIEW PANEL. An administrative review panel comprised of the City Clerk or the City Clerk's designee as chairperson of the panel and two other City employees appointed by the Mayor to serve upon such panel shall, at the written request of the owner of the vehicle, review the facts and circumstances upon which the citation was issued and shall decide whether the parking citation complaint should be voided or should be upheld.

69.21 ACTION FOLLOWING ADMINISTRATIVE REVIEW. If the administrative review panel determines the parking citation complaint should be voided, such action shall be promptly taken by the City Clerk. If the administrative review panel upholds the parking citation complaint, it shall be paid within the period set out in this Chapter, unless the owner of the vehicle wishes to deny the parking citation complaint and files with the City Clerk within seven business days of the administrative review panel's decision a written request to receive a date upon which to appear and enter a plea to the parking citation complaint before the District Court of Polk County, Iowa. Failure to timely pay a parking citation complaint after administrative review or to timely request an appearance date shall render the parking citation complaint delinquent and subject to the provisions of this Chapter.

69.22 ASSIGNMENT OF COURT APPEARANCE DATE. Upon the written request of the owner of the vehicle filed under 69.21, the City Attorney shall fix a date

upon which an appearance and plea to the charges contained in the parking citation complaint must be entered in the District Court. The City Attorney shall forward and file the citation complaint in the Traffic Division of the office of the Clerk of District Court and provide notice of this fact to the person filing an appeal and the owner of the vehicle involved.

69.23 FAILURE TO PAY OR CONTEST. Failure to pay a parking citation complaint within 30 days of its issuance or timely contest such citation under the provisions of this Chapter shall render the charges contained therein admitted.

69.24 REDEMPTION OF IMPOUNDED VEHICLES.

A. The registered owner or person having legal entitlement to possession of a motor vehicle impounded pursuant to this Chapter may claim the vehicle by paying the City's impoundment contractor in an amount sufficient to cover all charges attributable to the impoundment and storage of the vehicle. If a hearing pursuant to this subchapter is held and an administrative panel determines there was no probable cause to impound a vehicle, the costs attributable to the impoundment shall be refunded upon presentation to the City Treasurer a Certificate of No Probable Cause issued by the City and the bond receipt.

B. In the event a motor vehicle was impounded pursuant to this Chapter, all delinquent parking citation complaints must be satisfied.

C. In the event a vehicle is not claimed until after a hearing requested under this subchapter, the vehicle may be claimed (1) upon payment of all charges referred in the subsection and (2) upon presentation of a Certificate of No Probable Cause within two working days of its issuance to the party in possession of the vehicle.

D. Failure to timely present said Certificate will result in assumed liability on the part of the owner or person having legal entitlement to possess the vehicle for all related storage charges.

69.25 FAILURE OF AN OWNER TO CLAIM AN IMPOUNDED VEHICLE. If an impounded vehicle is not claimed by the owner within 20 days after impoundment, the unclaimed vehicle shall be placed in the status of and shall be deemed an abandoned vehicle as provided by State law and Chapter 80 of the Grimes City Code of Ordinances.

69.26 NOTICE OF IMPOUNDMENT. When a vehicle has been impounded pursuant to this Chapter, the registered owner of the vehicle shall be sent by certified mail to the owner's last known address within 72 hours of the impoundment, excluding weekends and holidays, a notice of the impoundment along with a description of any personal property contained within the vehicle

and of the right of a hearing pursuant to this Chapter. Notice personally presented within the period to said owner or person having legal entitlement to possess shall satisfy the mailing requirement.

69.27 RIGHT TO A HEARING. The registered owner or person having legal entitlement to possession of a vehicle impounded pursuant to this subchapter has a right to a post-seizure administrative hearing before an administrative review panel under this Chapter to determine whether there was probable cause to impound the vehicle and any personal property contained within the vehicle, provided the registered owner or person having legal entitlement to possess files a written demand with the City Clerk's office within ten days of the impoundment. A copy of this section of the Grimes City Code of Ordinances shall be given to a person requesting a hearing. Failure to request a hearing within such time period or to attend a post-seizure hearing shall be deemed a waiver of the rights of such a hearing. A post-seizure administrative hearing shall be conducted within a reasonable period of time not to exceed 15 business days from the date of the receipt of a written demand therefore. The sole issue before the administrative review panel shall be whether there was probable cause to impound the vehicle and personal property contained within the vehicle in question. Probable cause to impound shall mean such a state of facts as would lead a reasonable person or ordinary care and prudence to believe there was a breach of law for which the vehicle may be removed and impounded. The decision by the administrative review panel regarding impoundment may be appealed provided the registered owner or person having legal entitlement to possession of the impounded vehicle files a written notice of appeal with the City Clerk's office within seven days of the hearing officer's decision. Failure to file a written notice of appeal within such period shall be deemed a waiver of the right of appeal and the decision of the administrative review panel shall be final.

69.29 APPEAL PROCESS FOR IMPOUNDED VEHICLES. An appeal for an impounded vehicle shall be considered and a decision rendered by the City Council at the next City Council meeting after the filing of a written notice of appeal. The time for considering an appeal may be extended for good cause. The sole issue before the Council shall be whether the decision of the administrative review panel was supported by sufficient evidence. If the City Council finds no probable cause for impoundment, the administrative review panel, or other designee of the City Council shall issue a Certificate of No Probable Cause. The decision shall in no way effect any criminal proceedings in connection with the impoundment in question. Criminal charges, if any, may only be challenged in the appropriate court.

69.30 BIDS FOR PRIVATE STORAGE AND DESIGNATION BY COUNCIL. At least once a year the City Council shall take bids from privately owned garages and other enterprises for schedules of fees for towing and storing impounded vehicles or vehicles taken because of being illegally parked. Thereupon, the City



## CHAPTER 69

## PARKING REGULATIONS

Council shall designate such of the bidders as shall be geographically located to tow and store such vehicles at minimum cost if the City facilities are not available for towing and/or storing vehicles to be impounded. The Mayor is hereby authorized to direct the private garage designated to be the storage place for the City. Such garage is hereby authorized to retain the vehicle until the fees for towing and storage of the basis of their bid shall be paid.

## CHAPTER 75

ALL-TERRIAN VEHICLES AND SNOWMOBILES

75.01 Purpose	75.04 Places of Operation
75.02 Definitions	75.05 Negligence
75.03 General Regulations	75.06 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to require the operation of all-terrain vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "All-Terrain Vehicle" or "ATV" means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand eight hundred (~~81,000~~) cubic centimeters and in total dry weight to less than one thousand two hundred seven hundred fifty (~~7501,200~~) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321~~G~~.1[17])

2. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

(Code of Iowa, Sec. 321G.1[~~26~~])

75.03 GENERAL REGULATIONS. No person shall operate an ATV or snowmobile within the City in violation of the provisions of Chapters ~~321G~~ and 321I of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

(Code of Iowa, Ch. 321G, 321I)

75.04 PLACES OF OPERATION. The operators of ATV's and snowmobiles shall comply with the following restrictions as to where ATV's and snowmobiles may be operated within the City:

1. Streets. ATV's and snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a]; 321I.10[2])

2. Exceptions. ATV'S and snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. ATV's and snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. ATV's and snowmobiles may make a direct crossing of a prohibited street provided:

(1) The crossing is made at an angle of approximately ninety degrees (90) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The ATV or snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. ATV's and snowmobiles shall not be operated on- an operating railroad right-of-way. An ATV or snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

~~(Code of Iowa, Sec. 321G.13[8])~~

4. Trails. ATV's shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.910[4f and g4])

5. Parks and Other City Land. ATV's and snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth inch.

6. Sidewalk or Parking. ATV's and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 NEGLIGENCE. The owner and operator of an ATV or snowmobile is liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile.

(Code of Iowa, Sec. 321G.18; 321I.19)

75.06 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand ~~two~~five hundred dollars (\$1,2500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer. If the accident occurred on public land, public ice, or a designated riding trail under the jurisdiction of the commission, the operator shall file within seventy-two (72) hours an accident ~~and shall file an accident~~ report, ~~within forty-eight (48) hours,~~ in accordance with State law.

(Code of Iowa, Sec. 321G.10; 321I.11)

## CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions	80.07 Disposal of Abandoned Vehicles
80.02 Authority to Take Possession of Abandoned Vehicles	80.08 Disposal of Totally Inoperable Vehicles
80.03 Notice by Mail	80.09 Proceeds from Sales
80.04 Notification in Newspaper	80.10 Duties of Demolisher
80.05 Extension of Time	
80.06 Fees for Impoundment	

80.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Abandoned Vehicle" means any of the following:

(Code of Iowa, Sec. 321.89~~(1b)~~)

- A. A vehicle that has been left unattended on public property for more than ~~forty-eight~~twenty-four (~~48~~24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable, or

- B. A vehicle that has remained illegally on public property for more than ~~seventy-two~~twenty-four (~~72~~24) hours, or

- C. A vehicle that has been unlawfully parked on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or

- D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days, or

- E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

However a vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle.

2. "Demolisher" means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a

vehicle to junk, processed scrap or scrap metal, or otherwise to wreck or dismantle the vehicle.

3. "Police Authority" means the Iowa highway safety patrol or any law enforcement agency of a county or city.

(Code of Iowa, Sec. 321.89[1ac])

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority may, and on the request of any other authority having the duties of control of highway or traffic, shall take into custody any abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL. The police authority which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known address of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within twenty-one (21) days after the effective date of the notice upon payment of all towing, preservation and storage charging resulting from the placing the vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher. The notice shall state that any person claiming rightful possession of the vehicle or personal property who dispute the planned disposition of the vehicle or property by police authority or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle within the twenty-one (21) day reclaiming period, the owner and lienholders shall no longer have any right, title, claim, or interest of the owner and lienholders after the expiration of the twenty-one (21) day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

80.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])

80.05 EXTENSION OF TIME. The owner or any lienholders may, by written request delivered to the police authority prior to the expiration of the twenty-one (21) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

~~(Code of Iowa, Sec. 321.89[3c])~~

80.06 FEES FOR IMPOUNDMENT. The owner or lienholder shall pay three dollars (\$3.00) if claimed within five (5) days of impounding, plus one dollar (\$1.00) for each additional day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of the storage charges by privately owned garages, shall be established by resolution of the Council.

~~(Code of Iowa, Sec. 321.89[3a])~~

80.07 DISPOSAL OF ABANDONED VEHICLES. If an abandoned motor vehicle has not been reclaimed as provided herein, the police authority shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

80.08 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable, to a demolisher for junk without the title.

(Code of Iowa, Sec. 321.90[2e])

80.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving,

storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the reimbursement fund of the Iowa Department of Public Safety. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Public Safety.

(Code of Iowa, Sec. 321.89[4])

80.10 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle under Section 80.08, demolisher shall apply to the police authority for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the State Department of Public Safety for cancellation.

(Code of Iowa, Sec. 321.90[3a])



## CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions

81.03 Obstructing Streets

81.02 Warning Signals

81.04 Crossing Maintenance

81.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Railroad Train" means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1[~~2958~~])

2. "Operator" means any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.

81.02 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

(Code of Iowa, Sec. 327G.13)

81.03 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten (10) minutes except:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

Operators violating any provision of this section shall be guilty of a misdemeanor. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.

81.04 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago & N.W. Ry. 152 Iowa, 579

132 N.W. 973[1943],

(Code of Iowa, Sec. 364.11)

## CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.12 Responsibility for Water Service Pipe
90.02 Superintendent's Duties	90.13 Failure to Maintain
90.03 Mandatory Connections	90.14 Curb Stop
90.04 Abandoned Connections	90.15 Interior Stop and Waste Cock
90.05 Permit	90.16 Inspection and Approval
90.06 Connection Charge	90.17 Completion by the City
90.07 Compliance with Plumbing Code	90.18 Shutting off Water Supply
90.08 Plumber Required	90.19 Operation of Curb Stop
90.09 Excavations	90.20 Hydrants
90.10 Tapping Mains	90.21 Protection Hydrants
90.11 Installation of Water Service Pipe	90.22 Replacement of Lead Service Lines

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Customer" means in addition to any person receiving water service from the City the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
2. "Superintendent" means a licensed water plant operator of the City's water system or any duly authorized assistant, agent or representative.
3. "Water Main" means a water supply pipe provided for public or community use.
4. "Water Service Pipe" means the pipe from the water main to the building served.
5. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

(Code of Iowa, Sec. 372.13[4])

90.03 MANDATORY CONNECTIONS. All residence and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the Clerk. The application for the permit shall be filed with the Clerk on blanks furnished by the Clerk. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the Clerk. The Clerk shall sign and issue the permit and state the time of issuance, if the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid. Work under any permit must be begun within sixty (60) days after it is issued. The Clerk may at any time revoke the permit for any violation of this chapter and require that the work be stopped.

(Code of Iowa, Sec. 372.13[4])

90.06 CONNECTION CHARGE. There shall be connections charges and tapping fees paid to reimburse the City for costs borne by the City in making water service available to the property served, in the following amounts:

- |   |  |
|---|--|
| 1. Single Family Dwelling                 | - \$500.00   |
| 2. Duplex, each unit                      | - \$500.00   |
| 3. Commercial or Industrial               | - \$1,500.00 per acre.<br>Over 5 acres<br>may be negotiated. |
| 4. 4-plex or Larger Residential Structure | - \$500.00 per unit  |

The connection charge for a customer outside the City limits is one and one-half (1 ½) times the fee shown above.

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or

enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

**90.08 PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a plumber licensed in accordance with Chapter 125 of this Code of Ordinances.

**90.09 EXCAVATIONS.** All trench work, excavation and backfilling required in making ~~a~~-connections shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

**90.10 TAPPING MAINS.** After the excavation for the water service has been made and the fee for the connection has been paid to the Building Department or a company approved by the Water Department shall tap the main, in accordance with the following:

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premise may be shut off independently of the other.
2. Sizes of Pipes. All single family dwelling and each unit of a duplex must have one-inch (1") or larger water line prior to tapping the City main. Each water line of a duplex shall have a separate shut-off valve in the City right-of-way. Commercial or industrial customers shall also have a one-inch (1") minimum size water line and the minimum size water line required for 4-plex and larger residential structures is a two-inch (2") line.
3. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
4. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

5. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

(Code of Iowa, Sec. 372.13[4])

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper, one hundred forty (140) pound test P.V.C., or approved cast iron. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe ~~whiethath~~ is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property. The Superintendent may order the water shut of from the property supplies by the services that has not been repaired or replaced within twenty-four (24) hours, or if the Superintendent finds that the damage or failure will result in substantial water loss, the water shall be turned off immediately.

(Code of Iowa, Sec. 364.12[3a & h])

90.14 CURB STOP. There shall be installed within the public right-of-way a main shut-off valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

90.15 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a

record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3a & h])

90.18 SHUTTING OFF WATER SUPPLY. After following the procedures set out in Section 92.05, the Superintendent may shut off the supply of water to any customer because of any substantial violation of this chapter, or valid regulation under Section 90.02 that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB STOP. It is unlawful for any person except the Superintendent or a plumber to turn water on at the curb stop, and said plumber shall take no action contrary to the orders of the Superintendent and shall leave the water off or on, as directed by the Superintendent.

90.20 HYDRANTS. Approved hydrants must be used. Approval is based on the need for uniformity from the standpoint of public safety and maintenance. Hydrants shall be the Clow 2500, Mueller Centurion or equivalent and shall meet the following specifications: Open left 5 ¼ main valve opening, break flange or ground line flange fire hydrants, two 2 ½-inch hose nozzles, National Standard Thread, one 4 ½-inch pumper nozzle for 6'0" depth of bury, with 6" mechanical joint inlet. Hydrants are to be furnished without chains on caps. All hydrants installed must have an 8-inch minimum gate valve and box or as approved by the City.

90.21 PROTECTION HYDRANTS. Hydrants are required on private property at 300-foot intervals where adequate protection from public hydrants are too distant. All hydrants installed for this purpose must be approved hydrants and connect to not less than an 8-inch main or as approved by the City. Under no conditions may a fire line be metered. For this reason, the owner may not use the hydrant or fire line for any purpose other than fire protection, except as

authorized by Section 91.10. Private hydrants will be properly flushed at least annually and generally maintained by the owner unless a maintenance agreement has been executed. A hold harmless agreement to the benefit of the City shall be signed between the City and the party requesting a private hydrant inspection.

90.22 REPLACEMENT OF LEAD SERVICE LINES. All lead service lines shall be replaced upon discovery during construction, reconstruction, or remodeling with materials as specified by Grimes City Standard Specification and the plumbing code (Chapter 155 of this Code of Ordinances) as adopted by the City of Grimes.



## CHAPTER 91

WATER METERS

- |  |                              |
|--|------------------------------|
| 91.01 Purpose                            | 91.08 Right of Entry         |
| 91.02 Water Use Metered                  | 91.09 Irrigation Meters      |
| 91.03 Fire Sprinkler Systems – Exception | 91.10 Hydrant Meters         |
| 91.04 Location of Meters                 | 91.11 Meter Installation Fee |
| 91.05 Meter Setting                      | 91.12 Meter Testing          |
| 91.06 Meter Costs                        | 91.13 Water Not Registering  |
| 91.07 Meter Repairs or Replacements      |                              |

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City, except for construction water paid for under a building permit.

(Code of Iowa, Sec. 384.84[1])

91.03 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building, which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing. A remote reader for the water meter shall be installed on all new homes on which construction has begun after the effective date of the ordinance codified herein (April 27, 1993). A remote reader shall also be installed on any pre-existing property whenever the meter is replaced and a remote reader is not currently installed. The property owner shall install a remote reader connected to the water meter and the remote reader shall be placed on the outside of the house immediately adjoining any other remote reader located on the outside of the house.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. With regard to any meter which is larger than necessary for single family dwellings (5/8 x 3/4" meter), the property owner or customer shall own the meter. The property owner or customer shall not be charged repair or maintenance fees by the City. However, the City has the right of access to inspect and read the meter during reasonable hours. The property owner is required to have the meter tested and certified at least once every five years by an approved testing service identified by the Council pursuant to resolution. The property owner or customer shall pay for testing and repair of the meter. The City reserves the right to require more frequent testing at intervals more frequent than every five years, if the City reasonably believes the meter is not correct or not functioning properly. In the event more frequent testing is requested by the City, the City shall pay for testing if the test determines that the meter is functioning properly. If the meter is in need of repair or replacement, the property owner or customer shall pay for the testing and repair or replacement. Radio-read meter permit cost \$150.00.

All property owners and customers utilizing water meters in the City shall be charged the following rate on a monthly basis for repair or replacement of their water meter:

<u>Meter Size</u>	<u>Monthly Charge</u>
5/8 x 3/4"	\$ 1.62
Construction Water Permit	\$100.00

The construction water permit allows the user a maximum of five thousand (5,000) gallons of water to be used. All gallons used over and above five thousand (5,000) shall be billed at regular rates per Grimes Code Sections 92.02 and 96.02.

The repairs or replacement for single family dwellings shall be carried out pursuant to the terms of Section 91.07.

91.07 METER REPAIRS OR REPLACEMENTS. Whenever a 5/8 x 3/4" water meter owned by the City is found to be out of order the Superintendent shall have it repaired or replaced. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs or replacement.

91.08 RIGHT OF ENTRY. The Superintendent or designee shall be permitted to enter the premises of any customer at any reasonable time to read, remove, change a meter or terminate water service.

91.09 IRRIGATION METERS. Irrigation meters may be installed by a plumber licensed by the City of Grimes to measure water use for irrigation or swimming pools, yards, gardens and other uses for which sanitary sewer charges are not applicable. The meter shall be permanently installed with backflow prevention as required by the latest edition of the plumbing code as adopted by the City of Grimes. The property owner shall bear all costs associated with the installation including reimbursing the City for the cost of the meter and remote reader assembly. The costs for the meter and remote assembly shall be financed by allowing ten equal payments payable over ten months. This charge shall be included as part of the monthly water bill and will be payable at the same terms of the water bill. A finance charge will not be added to this cost. Irrigation systems shall not be installed within the City Right-Of-Way.

91.10 HYDRANT METERS. Any person wishing to use a hydrant meter shall complete an application form, which will be made available to said person by the Superintendent. No meter may be attached to a hydrant except by a City employee or by authorization of the City. No hydrant meter will be installed before April 15 or allowed to remain on a hydrant after October 15 unless authorized by the City. The deposit to be charged for such use of said meters shall be at the same rate as the cost of the meter. All Grimes utility billing customers shall provide a deposit of the actual cost of the meter which deposit will be returned when the meter is returned to the Department Utility Billing Clerk at City Hall. If the meter is returned in a damaged condition, charges for repairs shall be deducted from the deposit. The fee for hookup, disconnection and administration is \$200.00, and users of hydrant meters shall be charged for all water used, based on meter readings. The following regulations apply to the use of hydrant meters:

1. Applicants shall notify the Water Department at least 24 hours before the meter is needed, and applicants shall provide their own hoses and fittings aside from the meter and valves.
2. The City will make a hydrant meter available on a first-come, first-served basis, and the meter shall be available to any one user for 15 calendar days. At the end of that time, the user may reapply. The City reserves the right to withdraw permission to use the meter in emergencies or if the meter is being used in violation of this section or extended to others not specified in the application.
3. Hydrant meters shall be connected to and used only on fire hydrants located within the City.

4. Users shall not tamper with or disturb meter devices or tamper with valves or other connections or appurtenances on the meter or on the City water system.

91.11 METER INSTALLATION FEE. The property owner shall pay an installation fee of twenty dollars (\$20.00) for each new installation of a water meter and remote reader.

91.12 METER TESTING. Water meters will be tested by the use of a portable test tank or other approved means. A payment of twenty-five dollars (\$25.00) to cover costs before a test is made will be required. If the test shows the meter to be defective, resulting in an overcharge, the \$25.00 fee will be returned.

91.13 METER NOT REGISTERING. If a meter fails to register the quantity of water accurately, the quantity shall be determined and the charge made based upon the average quantity registered during such preceding period of time prior to the date of the meter's failure to register as the water billing department shall decide.

## CHAPTER 92

WATER RATES

92.01 Service Charges	92.07 Lien Exemption
92.02 Rates for Service and Meter Rentals	92.08 Delinquency and Lien Notices
92.03 Rates Outside the City	92.09 Customer Deposits
92.04 Billing for Water Service	92.10 Water Leakage
92.05 Service Discontinued	92.11 Procedure for Adjustment
92.06 Liens for Nonpayment	

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not. The service charges shall be billed as part of a combined service account which means a customer service account for the provision of two or more utility services.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE AND METER RENTALS. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84[1])

1. Residential and Commercial Rates.

\$7.23 per each thousand gallons used

with a minimum fee of \$7.23 per meter. In computing the minimum for a commercial apartment or a complex served by one water meter, monthly minimum charge will be based on the number of units per structure or complex. To arrive at the base, it will be the number of units times \$7.23. Gallons used in excess of the base rate shall be the number of units times 1,000 gallons. This shall be deducted from the total amount of water used. The amount shall be computed at the number of remaining gallons at \$7.23 per thousand gallons. The City will bill only one billing to a property owner of the apartment complex. The individual or company will be responsible for the payment of the full billing.

2. Water Used During Construction. The fee for a water construction permit is \$100.00.

3. Meter Rentals. Monthly meter rental rates are as follows:

5/8 x 3/4" .....	\$ 1.62
3/4 x 3/4" .....	\$ .77
1" .....	\$ 1.06
1 1/2" .....	\$ 2.37
2" Turbo.....	\$ 3.63
3" .....	\$ 5.04
2" Compound.....	\$ 8.33
3" .....	\$10.51
4" .....	\$17.19

92.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the City which the City has agreed to serve at rates one and one-half times the rates provided in 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code Iowa, Sec. 384.84)

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Meters Read. Where remote readers are in place and there is a discrepancy between the remote reader and the actual meter reading, the physical meter reading will be the billed amount.
2. Bill Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first working day of each month.
3. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 20<sup>th</sup> day of the month.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of one and one-half percent (1.5%) of the amount due shall be added to each delinquent bill.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer with a reminder notice that service will be discontinued if payment of the combined service account, including late payment charges, is not

received. Such notice shall be sent by first class mail within seven (7) working days after the bill becomes delinquent.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Service Discontinued. Disconnect notices will be sent six (6) days after the date that the reminder notice is sent. Such notice shall be sent by regular mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance. The total bill, plus a five dollar (\$5.00) service charge for the expenses connected with the disconnect notice must be paid within five (5) working days of the date of the disconnect notice or service will be terminated per order of the Superintendent.

4. Hearing. If a hearing is requested by noon of the day preceding the shutoff, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

5. Fees. A turn-on fee of twenty-five dollars (\$25.00) during regular working hours defined as the hours of 8:00 a.m. – 3:00 p.m. or fifty dollars (\$50.00) if not during regular working hours shall be charged before service is restored to a delinquent customer. No turn-on fee or service fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84[44])

92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to residential rental properties where water service is separately metered and the charges thereof are paid directly by the tenant, providing the landlord has given written notice to the Clerk that the tenant is liable for the charges and a deposit not exceeding the usual cost of ninety (90) days of water service is paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of occupancy and the date of occupancy. A change in tenant shall require a new written notice and deposit. When the tenant moves from the rental property, the Clerk shall refund the deposit if the water service

charges are paid in full and the lien exemption shall be lifted from the rental property.

(Code of Iowa, Sec. 384.84[~~14~~])

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than ten (10) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every residential customer not the owner of the premises served a one hundred dollar (\$100.00) deposit intended to guarantee the payment of bills for service. The deposit shall be refunded on notification in writing to the City that the property being serviced has been sold, transferred or conveyed, and a final reading of the meter has been made, a final bill submitted and payment received. The notice shall state the name, address, social security number or other Federal tax identification number of the person to whom the property has been sold, transferred or conveyed. Any person receiving water service who has been delinquent in paying for water service and has received a shutoff notice because of the delinquency twice shall be required to deposit \$100.00 with the City. This deposit shall be in addition to any other that has been made. The shutoff notice served shall have printed in bold face type a warning of the conditions under which the additional deposit will be required. If a \$100.00 deposit is required of a customer due to delinquent water payments, the \$100.00 deposit shall be refunded to the customer if the customer makes timely payments of his or her water bill for a period of two (2) years after the deposit of \$100.00 with the City.

92.10 WATER LEAKAGE. No reduction in billing will be made to water fees in the event of leakage after the water has passed through the meter. It is the owner's responsibility to maintain plumbing to prevent leaks. The property owner may petition the Council for a hearing regarding the possible reduction in sewer fees where there is evidence that the water did not enter the City Sewer System. If the Council grants a reduction in sewer fees, the credit given will be the difference between the actual consumption for the month in which the leakage occurred and the average of the last twelve months of consumption for that customer.

92.11 PROCEDURE FOR ADJUSTMENT. The City Council may, upon petition of a commercial or industrial entity, consider the reduction of water rates for said entity. Consideration shall be dependent upon the total usage of water and a



complete cost benefit analysis reflecting the increase in the number of jobs the said entity is bringing to the City of Grimes, the wage rates of the employees, the increased valuation and the resulting tax revenue. Said reduction may be given as an economic incentive in addition to or replacement of other financial incentives. The Council may set a specified time frame for the reduction in rates. Said reduction shall not reduce the water user charges below the City's fixed cost for commodities and utilities for the additional water usage.

## CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit	96.05 Connections Requirements
96.02 Permit Fee	96.06 Property Owner's Responsibility
96.03 Plumber Required	96.07 Abatement of Violation
96.04 Excavations	

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by the plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection to the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond that owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE. The person who makes the application shall pay a fee in the amount listed below to the Clerk to reimburse the City for costs borne by the City in making sewer service available to the property served.

Sewer Connection and Tapping Fees	
Commercial/Industrial	\$2,250.00 per acre. Over 5 acres may be negotiated.
Single Family Dwelling	\$ 750.00
Duplex	\$ 750.00 per unit
4-plex	\$ 750.00 per unit
Apartment	\$ 750.00 per unit
Condominiums	\$ 750.00 per unit

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber licensed by the City. The Superintendent shall have the power to suspend the license of any plumber for violation of any of the provisions of these Sanitary Sewer chapters.

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe

laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected.

**96.05 CONNECTION REQUIREMENTS.** Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the Uniform Plumbing Code, the laws of the State and the City Standard Specifications. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
2. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
3. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried to such drain shall be lifted by approved artificial means and discharged to the building sewer.
4. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
5. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. When an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, approved sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
6. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled.
7. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings with basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any

accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.07 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after the date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[30])



## CHAPTER 103

ILLICIT DISCHARGE and CONNECTION

103.01 Purpose and Reporting;	103.07 Illicit Discharge Detection
103.02 Definitions	Cost Recovery
103.03 Findings	103.08 Enforcement by Stop Work Order
103.04 Illicit Discharges Prohibited	103.09 Watercourse Protection
103.05 Illicit Connections Prohibited	103.10 Enforcement by Legal or Administrative Action
103.06 Industrial Discharges	103.11 Appeal

**103.01 PURPOSE.** The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Grimes through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

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**103.02 DEFINITIONS.** For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "Allowable Non-Storm Water" – Discharges from fire fighting activities, fire hydrant flushing, potable water sources, waterline flushing, uncontaminated groundwater, foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, air conditioning condensate, exterior building wash water when no detergents or other surfactants are used and pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and when no detergents or other surfactants are used.
2. "Approval" - Formal, written consent by the City Council, or authorized representative of the City.
3. "Best Management Practices (BMPs)" - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent

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or reduce the pollution of waters of the United States. Common BMPs are described in the *Iowa SUDAS Standards and Specifications for Erosion and Sediment Control* and the recommendations provided on the SUDAS website: [www.iowasudas.com](http://www.iowasudas.com). Those BMPs covered by SUDAS are not meant to be a comprehensive list of acceptable BMPs. BMPs must be adapted to the site and can be adopted from other sources.

4. "City" - City of Grimes, Iowa.
5. "City Council" - City Council of Grimes, Iowa.
6. "COSESCO" - Construction Site Erosion and Sediment Control
7. "CWA" – The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).
8. "Department" – The Iowa Department of Natural Resources (IDNR) or an authorized representative.
9. "Discharge" – The release of water and any elements, compounds and particles contained with or upon, from property owned or controlled by an individual, individuals, or entity.
10. "Hazardous Materials" – Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
11. "Illegal Discharge" - Any direct or indirect non-storm water discharge to the storm drain system except as exempted in this ordinance.
12. "Illicit Connection" – An illicit connection is defined as either of the following:
  - a. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

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- b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

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13. "Municipal Separate Storm Sewer System" (MS-4) - The conveyance or system of conveyances including storm sewers, roadways, road with drainage systems, catch basins, curbs, gutters, ditches, constructed channels, and storm drains owned or operated by the permittee.

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14. "National Pollutant Discharge Elimination System (NPDES)" - Is the program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

15. "Non-Storm Water Discharge" - Any discharge to the storm drain system that is not composed entirely of storm water.

16. "Owner" - The person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the leaseholder; or the contracting government agency responsible for the construction activity.

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17. "Permittee" - A person or persons, firm or government agency or other institution that signs a permit which has not expired nor been revoked.

18. "Point Source" - A discernible confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

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19. "Pollutant" - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

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20. “Property” – includes but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate.
21. “Responsible Party” – is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this ordinance and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned.
22. “Sediment Control” - Methods employed to prevent sediment from leaving the site. Sediment control practices include but are not limited to silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection and temporary or permanent sedimentation basins.
23. “Significant Materials” – Includes but is not limited to: raw materials, fuels, materials such as solvents, detergent, and plastic pellets, finished materials such as metallic products, raw materials used in food processing or production: hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
24. “Stormwater” - Storm water runoff, snow melt runoff and surface runoff and drainage. (NOTE: Agricultural storm water runoff is excluded by federal regulation 40 CFR 122.3 (e) as amended through June 15, 1992).
25. “Storm Water Discharge Associated with Industrial Activity” – The discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified or activities identified in paragraphs (i) through (x) of this definition, the term includes but is not limited to storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment; storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and

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finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purpose for this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (i) to (xi) of this definition include those facilities designated under 122.26 (a)(91)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- i. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards that are exempted under category (xi) of this definition);
- ii. Facilities classified as standard industrial classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 31, 32 (except 323), 33, 3441, and 373;
- iii. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11 (1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations that have been released from applicable State or Federal reclamation requirements (after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operation; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;

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- iv. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- v. Landfills, land application sites, and operational dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle d of RCRA;
- vi. Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial classification 5015 and 5093.
- vii. Steam electric power generating facilities, including coal handling sites.
- viii. Transportation facilities classified as Standard Industrial Classification 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication, equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this subsection are associated with industrial activity;
- ix. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503;
- x. Construction activity including clearing, grading and excavation activities that result in the disturbance of 1 acre or more of total land area or which result in the disturbance of less than 1 acre but

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are part of a larger common plan of development or sale of 1 acre or more;

- xi. Facilities under Standard Industrial Classification 20, 21, 22, 23, 265, 267, 27, 283, 285, 30, 31 (except 311) 323, 349 (except 3441), 35, 36, 37 (except 373), 38, 39, 422-25, (and that are not otherwise included within categories (i) to (x)).

26. "Surface Water or Waters" - All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses and irrigation systems whether natural or artificial, public or private.

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27. "Waters of the State" Iowa Code 455B.381 (10): "Waters of the state" - Rivers, streams, lakes and any other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common. "Waters of the state" includes waters of the United States lying within the state.

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### 103.03 FINDINGS.

1. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4). The City of Grimes is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the city clerk and is available for public inspection during regular office hours.

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2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce an ILLICIT DISCHARGE and CONNECTION to STORM SEWER SYSTEM ordinance.

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3. No state or federal funds have been made available to assist the City in administrating and enforcing the Program. Accordingly, the City shall fund its operations under this ordinance entirely by charges imposed on the owners of properties which are made subject to the Program by virtue of state and federal law, and/or other sources of funding established by a separate ordinance.

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4. Terms used in this ordinance shall have the meanings specified in the Program.

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5. Nothing in this ordinance shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other federal, state or City permit, statute, ordinance or rule from any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this ordinance.

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#### 103.04 ILLICIT DISCHARGES PROHIBITED.

1a. Residential

- Septic systems
- Oil, chemicals
- Illegal connections to storm sewer
- Silt

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1b. Commercial / Industrial

- All items included in residential
- Concrete wash out water
- Filling stations
- Outdoor washing
- Disposal of food waste
- Dumpster management
- Other items the City determines should be included

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2. Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit, the terms of which are hereby incorporated by reference, shall be deemed an "illicit discharge" in violation of this ordinance.

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3. Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City's COSESCO ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the DNR shall be deemed an illicit discharge in violation of this ordinance.

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#### 103.05 ILLICIT CONNECTIONS PROHIBITED.

1. For Purposes of this ordinance, an "illicit connection" to the City's storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.

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2. The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this ordinance.

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3. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

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#### 103.06 INDUSTRIAL DISCHARGES.

1. Any responsible party subject an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit.
2. Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.

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#### 103.07 ILLICIT DISCHARGE DETECTION AND REPORTING; COST RECOVERY.

1. All detection activities permitted under this ordinance shall be conducted by the City Appointed Representative or his or her designee, hereinbefore and after referred to as the "enforcement officer."
2. The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge, undetected by the City.
3. Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement officer illicit discharges which the responsible party knows or should have known to have occurred. Failure to comply with any provision of this ordinance is a violation of this ordinance.
  - a. Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party's sole cost.
  - b. If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.
  - c. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
  - d. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within twenty-four (24) hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four (24) hours of the personal or phone notice.
4. Any person or entity shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge.

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5. Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four (24) hours.
6. The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:
  - a. A responsible party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by state and federal law.
  - b. The enforcement officer shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.
  - c. The enforcement officer shall have the right to require any responsible party at responsible party's sole response to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party's sole expense. All devices shall be calibrated to ensure their accuracy.
  - d. Any temporary or permanent obstruction to safe and easy access to property to be inspected and /or sampled shall be promptly removed by the responsible party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.
  - e. An unreasonable delay in allowing the enforcement officer access to a property is a violation of this ordinance.
  - f. If the enforcement officer has been refused access to any part of the property from an illicit connection and/or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance or there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify

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compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

7. If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this ordinance shall be recovered from the responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the City for the enforcement activities undertaken. Failure to pay charges invoiced under this ordinance within thirty (30) days of billing shall constitute a violation of this ordinance.

#### 103.08 ENFORCEMENT BY STOP WORK ORDER.

1. Whenever the enforcement officer finds any violation of this ordinance, the enforcement officer may issue a stop work order as an alternative to enforcement under Section 103.10 below. Such stop work order is subject to the following conditions:
  - a. The stop work order shall be in writing and shall be given to the applicant or the applicant's agent.
  - b. Upon issuance of the stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order.
  - c. The stop work order may be issued for a reasonable period to be determined by the City during which time the applicant will be allowed to correct the identified violations.
  - d. The applicant may reject the order by notifying the City, in writing, within five (5) business days of receipt of the stop work order. Upon receipt of such written rejection, the stop work order shall be deemed null and void and the City may undertake enforcement pursuant to Section 103.10 below.
2. If the violations cannot be corrected within the time frame determined by the City, applicant may seek an extension of stop work order for such additional period of time as allowed by the enforcement officer.
3. If the applicant does not reject the stop work order and corrects the identified violations within the designated period, the applicant may immediately commence further activity at the site and no further penalties or orders shall issue against the applicant for the violations identified in the previously issued stop work order. Prior to commencing further activity at the site, the applicant shall establish correction of the violations by providing to the office of the enforcement officer, a written statement,

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signed under oath, that the violations have been corrected with a description, including photographs when appropriate, of the action taken to correct the violations.

**103.09 WATERCOURSE PROTECTION.** Every Person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property below the elevation of the 100 year flood free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate, or significantly alter the quality of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**103.10 ENFORCEMENT BY LEGAL OR ADMINISTRATIVE ACTION.**

1. Violation of any provision of this ordinance may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this ordinance.
2. Violation of any provision of this ordinance may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance.
3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

**103.11 APPEAL.**

1. Administrative decisions by city staff and enforcement actions of the enforcement officer may be appealed by the applicant to the eCity Council pursuant to the following rules:

- a. The appeal must be filed in writing with the city clerk within twenty (20) business days of the decision or enforcement action.
- b. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
- c. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the

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hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.

- d. The city clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the city council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) nor more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the city attorney or by an attorney designated by the city council at City expense.

2. The decision of the city council shall be rendered in writing and may be appealed to the Iowa District Court.

## CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.08 Waste Storage Containers
105.02 Definitions	105.09 Sanitary Disposal Required
105.03 Health and Fire Hazard	105.10 Prohibited Practices
105.04 Open Burning Restricted	105.11 Incinerators
105.05 Littering Prohibited	105.12 Sanitary Disposal Project Designated
105.06 Open Dumping Prohibited	105.13 Disposal Site Requirements
105.07 Separation and Disposal of Banned Substances	105.14 Private Landfill Operations
	105.15 Conditions Subject to Abatement

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. "Banned substance" means lead, acid batteries, oil, medical waste, explosive materials, rags or materials soaked in volatile or flammable substances, drugs, poisons, radioactive material, highly combustible materials and any other materials prohibited from disposal at a sanitary landfill pursuant to the Code of Iowa.
2. "Biodegradable bags" means any untreated paper bags or biodegradable plastic bags acceptable to the compost station or facility used by the yard waste hauler or collector.
3. "Composting" means a controlled microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.
4. "Director" means the director of the State Department of Natural Resources or any designee.  
(Code of Iowa, Sec. 455B.101[2b])
5. "Dwelling Unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking or eating.
6. "Garbage" means all solid and semisolid, putrescible animal and vegetable

waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

7. "Hauler" or "Collector" means any person authorized by contract with the City to engage in the business, process or any part of the storage, collection, transportation and disposal of solid waste.

8. "Landscape Waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

9. "Lead acid battery" means any battery which contains lead plates and acid.

10. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[42])

11. "Medical waste" means any waste of an infectious or poisonous nature, including drugs, poisons, blood, urine, feces, soiled dressings, soiled clothing, soiled bedding and other waste contaminated by infection or contagious diseases, used syringes, or any other materials or apparatus used for medical testing and any waste determined to be infectious by the Iowa Department of Natural Resources.

12. "Oil" means any substance containing petroleum or synthetic oil.

13. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

(IAC, 567-100.2)

14. "Open Dumping" means the depositing of solid waste on the surface of the ground or into a body or stream of water.

(IAC, 567-100.2)

15. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

16. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

17. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

(IAC, 567-20.92[455B])

18. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

19. "Sanitary Disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

20. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director.

(Code of Iowa, Sec. 455B.301[21])

21. "Solid Waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection 321.1 of the Code of Iowa.

(Code of Iowa, Sec. 455B.301[23])

22. "Yard Waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.03 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.04 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

(IAC, 567-23.2[455B])

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Landscape Waste. The burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building and shall only be conducted when the weather conditions are favorable with respect to surrounding property and property owners. Rubber tires shall not be used to ignite landscape waste. In the event of an emergency, the Mayor may allow open burning for a period not to exceed sixty (60) consecutive days.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

(IAC, 567-23.2[3e])

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that written notification is postmarked or delivered to the Director at least ten (10) working days before such action commences. All asphalt roofing and materials containing asbestos shall be removed prior to the training fire.

(IAC, 567-23.2[3f])

7. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

(IAC, 567-23.3[2])

**105.05 LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the

authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.06 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permanently dispose of solid waste of any kind upon any land within the corporate limits of the City unless such land has been designated by the City as a licensed private landfill site or a designated public landfill site. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307)

105.07 SEPARATION AND DISPOSAL OF BANNED SUBSTANCES.

1. All banned substances shall be separated by the owner or occupant from all other solid waste accumulated on the premises.
2. All solid waste picked up by any hauler or collector within the City limits for disposal at any area landfill shall not contain banned substances.
3. If banned substances have not been separated from other solid waste prior to collection and transportation, the hauler of the waste shall be responsible for separation and disposal. Banned substances shall be disposed of at the appropriate collection site or approved facility as prescribed by the Director.
4. Each authorized hauler or collector collecting or transporting banned substances or solid waste within the City limits shall:
  - A. Provide the City with a detailed description of the manner in which the collector intends to separately collect and haul away banned substances.
  - B. Submit an annual written report to the City detailing the type and amount of banned substances which were collected and delivered during each month of the reporting year.
  - C. Deliver any solid waste, including banned substances, to the appropriate disposal location in a sealed or watertight container. All vehicles used for delivering any solid waste or banned substances shall not dump or unload in a manner so as to cause any spillage, leakage, overflow or other loss of cargo in non-dumping areas. All vehicles used for the hauling of solid waste or banned substances must have leak-proof bodies and be completely covered or enclosed by canvas or other means

so that solid waste or banned substances do not fall or spill from the vehicle. Once the hauler arrives at the appropriate facility, said hauler is responsible for insuring that all of the solid waste or banned substances are removed from the vehicle at the appropriate disposal facility.

5. Nothing in this chapter is intended to prevent the owner from transporting solid waste or banned substances accumulating on the premises of the owner to an appropriate collection or disposal site as long as it is done in compliance with the provisions of this chapter and State law.

6. Any violator of this chapter may be required by the City to properly remove any accumulation or spillage of solid waste or banned substances at the violator's expense. In addition, the City may have any accumulation or spillage of solid waste or banned substances cleaned up at the violator's expense if the violator fails to move such solid waste or banned substance after ten (10) day written notice, or immediately if the Mayor deems the accumulation or spillage constitutes an immediate health hazard to the residents of the City.

105.08 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specification. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers shall be of not less than ten (10) gallons or more than thirty (30) gallons in nominal capacity, except where only one container is used, in which case the container may be less than ten (10) gallons in capacity. The containers shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of an individual container and contents not exceeding sixty five (65) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in portable containers as required



above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. Beginning on June 1, 1997, commercial solid waste containers must not be visible from any City street or City sidewalk. The commercial solid waste containers must be screened from view from any City street or City sidewalk by a screen constructed of either wood or brick, and the screen must not be less than one foot higher than the height of the commercial solid waste containers and not more than two feet higher than the commercial solid waste containers.

3. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

4. Books and Newspapers. If is not necessary to place books, boxes, magazines or newspapers in containers, provided they are securely tied in bundles not larger than 48 inches long and 18 inches in diameter and weighing not more than 65 pounds.

105.09 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

105.10 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized collection service.

3. Radioactive Material. Dispose of radioactive material in a sanitary disposal project. Luminous timepieces are exempt.

105.11 INCINERATORS.

1. Incinerators Prohibited. It is unlawful for any person to sell or offer for sale or install or offer to install any device intended for use as a household solid waste burner or incinerator, except when the intended user of such device has secured permission to operate or use such device from the City, or where the device will be operated by or for the City or beyond the corporate limits of the City.
2. Incineration Prohibited. It is unlawful for any person to burn or incinerate or permit the burning or incineration of any solid waste within the City except as provided under Section 105.04 of this chapter. This section applies to all solid waste as defined in this chapter and specifically includes all waste paper, boxes, market waste, garden waste, trees, tree limbs, automobiles and parts thereof and any and all material other than materials used as fuel in a furnace or boiler. This section does not apply to any incinerator operated under a permit granted by the City or any incinerator operated by or for the City or any burning conducted under the direction of the Fire Department of the City.
3. Incinerator Permits. The Clerk shall issue annual permits for the operation of incinerators otherwise prohibited in this chapter, upon payment of an annual fee of ten dollars (\$10.00) to defray the costs of administration and upon submission of annual proof by the applicant therefore, acceptable to the Health Officer, of operational performance at least equal to the standards outlined below. Such regulations shall apply to all incinerators, except those located in areas where the existing land use is agricultural and the sites upon which they are located or are to be located are tracts of ten acres or more, and such incinerators are used or to be used exclusively to dispose of solid waste originating on the same premises. The Health Officer shall use the following criteria and those set out in Section 105.11 (4 and 5) to determine whether the proposed incinerator meets the criteria identified in Iowa Code Section 455B.305A(2).
  - A. The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the City Health Officer, in accordance with good engineering practice. In case of conflict the findings of the Health Office shall govern.
  - B. No incinerator shall be used for the burning of solid waste unless such incinerator is a multiple chamber incinerator. Existing incinerators may be altered, modified or rebuilt as may be necessary to meet this requirement. The Health Officer may approve any other alteration or modification to an existing incinerator if such is found by the Health Officer to be equally effective for the purpose of air pollution control as a modification or

alteration which would result in a multiple chamber incinerator. All new incinerators shall be multiple chamber incinerators, provided that the Health Officer shall approve any other kind of incinerator if it can be shown in advance of construction or installation that such other kind of incinerator is equally effective for the purposes of air pollution control as an approved multiple chamber incinerator.

C. Within fifteen (15) days after the date on which construction of an incinerator is completed, the operator shall file a request with the Health Officer to schedule the performance tests provided in subsection 5 of this section. If the results of the performance tests indicate that the incinerator is not operating in compliance with subsection 4 of this section, no person may cause or permit further operation of the incinerator except for additional tests as outlined in subsection 5, until approval is received from the Health Officer.

4. Restriction of Emissions. No person may cause or permit the emission of particulate matter from the chimney, stack or vent of any incinerator in excess of the following:

A. Incinerators with a solid waste burning capacity of two hundred or more pounds per hour: 0.2 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to twelve percent (12%) carbon dioxide.

B. All other incinerators: 0.3 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to twelve percent (12%) carbon dioxide.

All incinerators shall be designed and operated so that all gases, vapors and entrained effluents shall, while passing through the final combustion chamber, be maintained at a temperature adequate to prevent the emission of objectionable odors. Provided, however, the Health Officer shall approve any other method of odor control which is equally effective.

5. Performance Testing. Solid waste burned in conjunction with the performance tests specified in this subsection shall be a representative sample of the solid waste normally generated by the operation which the incinerator is intended to serve. The amount of particulate matter emitted from any incinerator shall be determined according to the American Society of Mechanical Engineers Power Test Codes—PTC—27, dated 1957 and entitled "Determining Dust Concentration in a Gas System" or any more recent edition. In addition to the requirements above specified, each such incinerator shall not emit smoke of a density of dense smoke and a performance test to determine compliance shall

be performed by the Health Officer or a designated representative on each new incinerator. The performance test specified in this subsection may be required on any incinerator, and shall be required for each new incinerator having a burning capacity of one thousand pounds per hour or greater. The initial and annual performance test shall be performed at the expense of the vendor or operator by an independent testing organization, or by other qualified person subject to the approval of the Health Officer or designated representative. The performance test may be observed by the Health Officer or designated representative.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the Des Moines Metropolitan Solid Waste Agency are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating in the City.

105.13 DISPOSAL SITE REQUIREMENTS. No person shall haul or cause to be hauled or receive any solid waste or yard waste material of any kind to any disposal place or site or area within the corporate limits of the City unless such place, site or area is first licensed by the City and complies with applicable health and zoning ordinances of the City. The Clerk shall supply applications to any solid waste or yard waste disposal applicant that wishes to apply or reapply for a license to operate such disposal or compost site within the City limits. In addition to the information requested in the application, the applicant shall supply the following:

1. A detailed description of the disposal site including a drawing showing the dimensions, topography, structure, surfacing and drainage of the site.
2. A current permit to operate the facility from the State Department of Natural Resources, Environmental Protection Commission and/or any other appropriate State regulatory agency.
3. An operational manual specifying details with regard to the manner in which solid waste or yard waste is to be processed or composted, the hours that the facility will be open, the manner in which material is to be received for processing or composting, the manner in which the site is to be monitored to ensure that air and water pollution is maintained on the site, the procedures that will be taken to prevent spills and the manner in which spills will be controlled, and the procedure to be used by the disposal site operator to clean up any solid waste or yard waste litter that may accumulate on the City streets as a result of haulers' activities in traveling to or from the site.
4. If the applicant is seeking a license renewal for an existing disposal site, the application must include the records of operation for the site during the previous

year, including the types and weights of materials received, the amount of lime added to the compost material, and the results of leachate testing or monitoring.

5. The Council shall not approve the license application unless the applicant demonstrates that the disposal site complies with any and all requirements of this section and with all requirements adopted by the Environmental Protection Commission under Iowa Administrative Code Chapters 567-100 through 567-105 which are in effect at the time of the passage of the ordinance codified in this section. Such Iowa Administrative Code provisions are incorporated herein by reference. Copies of the Iowa Administrative Code provisions referred to in this section are on file with the Clerk and available to members of the public or any applicant who is interested in the provisions.

6. The annual license fee is \$1,000.00 per year, payable to the Clerk at the time the license is issued. If a new license is subsequently requested on an existing disposal site, the license fee is \$1,000.00 plus an additional \$1.00 per ton for each ton of material received by the disposal site during the previous year of operation, payable to the Clerk when the new license is issued.

105.14 PRIVATE LANDFILL OPERATIONS. Any person desiring to operate a private landfill in the City must first apply for and receive a license to do so. The issuance of the license shall be pursuant to application in writing to the Council, shall be on an annual basis only and shall be subject to all other applicable ordinances of the City and the following provisions:

1. Application. The application shall be set forth how the landfill will be operated; the land to be used, showing location, drainage, fencing, screening and access; plans or other suitable evidence of adequate fire protection and provision for control of rodents, insects and litter; and agreement to operate the disposal area as a sanitary landfill only; a description of the method of filling and the equipment to be used; the source of earth or other suitable cover; an agreement to compact and completely cover solid waste deposited each day and conduct no burning of any material whatsoever and to promptly extinguish any fires or combustion which may accidentally occur to be started by other; and an agreement to maintain the landfill site and the vicinity in a safe and sanitary manner, and to allow no public nuisance.

2. Supervision. A responsible person shall be in constant attendance during the hours of active operation of the landfill, and the landfill shall be operated in accordance with all local, County, State and Federal regulations. The applicant agrees to provide access to the landfill site by any health officer or governmental representative or agent who may have jurisdiction for the purposes of inspection.

4. Closure and Postclosure Plans. Any application for a license pursuant to this chapter shall also include appropriate closure and postclosure plans

A. Standards.

(1) Closure standards shall include plans by the owner to minimize the costs of further maintenance after the facility has closed and such a plan shall articulate the requirements necessary to protect human health and the environment, including preventing the escape of any waste into or on the land, water, air or groundwater. The owner shall also certify that upon closure, the facility shall no longer be used to store waste or that no such waste is left in the facility at the time of closure and that the threat to human health and the environment has been minimized. The owner shall, simultaneous with the application for a license to operate such a facility within the corporate boundaries of the City, include a detailed description of the steps necessary to remove or decontaminate all waste residues, equipment, structures and soils during the final closure of the facility. Such plan shall also include the methods for sampling and testing the surrounding soils and provide a criteria for determining the extent of decontamination required to satisfy the closure performance standards. Furthermore, such plan shall also include a schedule for closure of the facility including a timetable which will show the total time required to close the site. A closure plan shall also include an estimated year when closure procedures will begin.

Within 180 days of the initiation of closure procedures, the owner shall notify the City Administrator of the owner's intent to commence closure procedures under this section. Within 60 days of the completion of the final closure, the owner of such site shall certify to the City that such site has been closed in accordance with the specifications set out in the closure plan and that requirements of this chapter have been met. Certification must be signed by the owner and by an independent professional engineer.

(2) An owner of a site licensed pursuant to this chapter shall include postclosure care of the site in any closure plan. A postclosure plan shall identify the remaining care of the site such that the integrity of any liners, covers, or any other components of the containment system of the facility's monitoring systems will not increase the potential hazard to human health or the environment. The plan shall identify what planned maintenance activities will be performed to ensure the integrity of the containment systems and

the monitoring equipment, if any. Such plan shall also provide the name, address and phone number of the person to contact regarding the facility during the postclosure care period.

(3) An application at the time of application for a license for the facility shall estimate in current dollars the cost of closing the facility and the costs in current dollars of any postclosure care. The estimate shall be based on the cost of hiring an independent contractor to close the facility.

The applicant, upon receiving City approval for the license, but as a precondition to the receipt of such license, shall post suitable security in the form of a surety bond, trust or irrevocable letter of credit in an amount to cover closure and postclosure clean-up costs in current dollars. At the time of renewal of the license, the estimate of the current dollars shall be adjusted and the security adjusted accordingly.

The security must be in a form payable to the City and approved by the Council.

105.15 CONDITIONS SUBJECT TO ABATEMENT. If any private disposal operation within the corporate limits of the City is found to be conducted in a way detrimental to the health and welfare of the public or contrary to provisions of this chapter, the City shall notify the owner of the land upon which such operation is being carried on and the operator thereof in writing of the objectionable conditions and give them a reasonable time, not less than ten (10) days, to correct said condition. In the event of the failure of such owner or operator to correct such conditions within said time, the Clerk is authorized to seek abatement of such conditions pursuant to Chapter 50 of this Code of Ordinances or by initiating proper action in district court.

## CHAPTER 115

CEMETERY

115.01 Definition	115.06 Annual Care
115.02 Records	115.07 Trespassing or Vandalism in Cemetery
115.03 Sale of Lots	115.08 Monuments and Markers Generally
115.04 Perpetual Care	115.09 Use of Vaults
115.05 Cemetery Lots Without Perpetual Care	115.10 Rules and Regulations

115.01 DEFINITION. The term "cemetery" means the Sunny Hill Cemetery, ~~which is a municipal cemetery under the provisions of Sections 566.14 to 566.18 to the Code of Iowa.~~

115.02 RECORDS. It is the duty of the Clerk to make and keep a permanent record of all interments made in the cemetery, which record shall at all times be open to public inspection. The record shall, among other things, include:

1. Plat. An accurate plat of the cemetery;
2. Lot Owners. The names of the owners of all lots that have been sold;
3. Lot Descriptions. The correct description of all lots for sale and the price thereof, as shall be fixed by the City Council;
4. Grave Locations. The exact location of each grave upon each cemetery lot.

115.03 SALE OF LOTS. The sale of lots in the cemetery shall be evidenced by a deed signed and executed by the Mayor and the Clerk for and on behalf of the City, and it is the duty of the Clerk to collect the purchase price for any lot sold before delivering the deed of conveyance for the same. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as set out in the rules and regulations in effect as adopted by the Council.

115.04 PERPETUAL CARE. A portion of the sale price as specified by the rules and regulations established by the Council shall be set aside and deposited in the perpetual care endowment fund of the cemetery. The Council, by resolutions, shall also receive and expend all moneys and property donated or bequeathed for perpetual care. The assets of the perpetual care fund shall be invested as permitted by State law. The City shall use the income from such investments in caring for the property of the donor or lot owner or as provided in the terms of such gift or donation, or as agreed in the instrument for sale and purchase of a cemetery lot.



~~(Code of Iowa, Sec. 566.14, 566.15 and 566.16)~~

115.05 CEMETERY LOTS WITHOUT PERPETUAL CARE. Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the City of the perpetual care charges at the rates specified in the rules and regulations.

115.06 ANNUAL CARE. An annual care charge as specified in the rules and regulations shall be made by the City on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The City reserves the right to refuse to furnish maintenance service, or permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lots has not been paid in advance.

115.07 TRESPASSING OR VANDALISM IN CEMETERY. Any person who trespasses upon any cemetery under the jurisdiction of the City by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to the cemetery is guilty of a misdemeanor and liable for any and all damage.

(Code of Iowa, Sec. 716.1)

115.08 MONUMENTS AND MARKERS GENERALLY.

1. Only one central or family memorial shall be allowed where two or more burial spaces are owner by a family and shall be set in line with other memorials located in the same section of the cemetery.
2. No lot owner shall erect or place or cause to be erected or placed on any lot in the cemetery any memorial or marker disapproved by the representative of the Council.
3. The size of the memorial is to be governed according to the ratio of the area of the face of the memorial to the size of the lot. The length of the base shall not exceed sixty percent (60%) of the width of the lot.
4. Markers may be placed at the end of the grave, farthest from the base of the monument in the lots or burial spaces.
5. All markers on the same family spaces shall be uniform.
6. Corner posts shall be of the same material as the monument or marker and shall be placed flush with the grave. Initials shall be cut in, not raised. Corner posts shall be at least six inches (6") in length and not

more than six inches (6") square on the face, and dressed where they abut on adjacent lots and set in cement.

7. No coping, curbing, fencing, hedging, grave mounds, borders or enclosure of any kind shall be allowed around any lot or family burial spaces. No walks of brick, chert, cinders, tile, stone, marble, terra cotta, sand, cement, gravelly or wood shall be allowed on any lot.

8. The monument or marker shall be erected per specifications on file with the Clerk's office.

9. Ground level (flush) memorials and markers are allowed, but at the owner's risk as to maintenance and damage. The same shall be erected per specifications on file in the Clerk's office.

115.09 USE OF VAULT. All caskets must be enclosed in a vault before actual burial.

115.10 RULES AND REGULATIONS. The rules and regulations for the cemetery shall be adopted, and may be amended from time to time, by resolution of the Council and shall cover the hours of opening and closing, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers and the cost of lots or payment for perpetual care as deemed necessary.

115.11 INTERMENT OF CREMAINS. Not more than one body shall be interred in one grave, vault, crypt, or niche, except in the case of the coincident deaths of a mother and infant, or of twin born children. Ash residue from the cremation of a body may be interred in a burial space platted to permit the burial of an adult or adult-sized person; however, one adult burial space may be used for no more than the ashes of four persons, or for one body and the ashes of one person. All statutes, ordinances, rules and regulations pertaining to the recording of the deceased persons' names in the cemetery records and the use of acceptable memorials shall apply.

STORMWATER MANAGEMENT UTILITY

117.01 Purpose	117.07 Effective Date
117.02 Definitions	117.08 Basic Rate
117.03 Declaration of Purpose; Establish District	117.09 Rate Appeals
117.04 Powers, Duties, Responsibilities	117.10 Exemption from Fees; Special Conditions
117.05 Organization	117.11 Stormwater Service Billing
117.06 Stormwater Service Charges Required	117.12 Annual Review of Rates

117.01 PURPOSE:

The purpose of this ordinance is to establish a stormwater management utility which shall be responsible for stormwater management within the corporate boundaries of the City of Grimes and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

(Code of Iowa, Sec. 384.84)

1. Pursuant to §384.84 Code of Iowa (20~~05~~13) the City may establish a stormwater drainage system utility and impose rates and charges for the operation, maintenance and extension of the Stormwater Drainage System, which in the City of Grimes shall be known as the Grimes Stormwater Management Utility.

2. It is the best interests of the City of Grimes that the Stormwater Management Utility be established so as to provide for the proper operation and maintenance of the utility facilities and to provide for rates for the purposes of assuring sufficient funds for the same.

3. The City of Grimes declares the entire area within the Corporate Limits of the City of Grimes as the Stormwater Drainage System District pursuant to 384.84~~(5)~~ Code of Iowa (20~~05~~13) which shall be the area governed by the Grimes Stormwater Management Utility.

117.02 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

1. “Apartment dwelling” means a self-contained housing unit that occupies only part of a building which consists of many similar housing units for rent or sale, wherein the land or lot beneath the multi-dwelling structure may be owned by the building owner. In the application of stormwater management fees, each apartment dwelling shall be one half (1/2) ERL.

2. “Bonds” means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

3. “Construction cost” means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of the following:
  - A. Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;
  - B. Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;
  - C. Architectural, engineering, legal and other professional services;
  - D. Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation;
  - E. Any taxes or other charges which become due during construction;
  - F. Expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
  - G. Principal and interest on any bonds; and
  - H. Miscellaneous expenses incidental thereto.
4. “Customers of stormwater utility” include all persons, properties, and entities served by and/or benefiting from the utility’s acquisition, management, maintenance, extension and improvement of the public stormwater management systems and facilities.
5. “Debt service” means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.
6. “Developed property” means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area thus increasing the amount of rainwater or surface water runoff.
7. “Duplex dwelling” means a building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families with separate housekeeping and cooking facilities for each. In the application of stormwater management fees, each duplex dwelling property shall be treated as two (2) single-family dwellings.
8. “Equivalent Residential Lot (ERL)” is based on the total area for an average residential lot in the community. ERL shall be used as the basis for determining stormwater management fees. One ERL is equal to ten thousand (10,000) square feet of gross lot area.
9. “Exempt property” includes public streets, alleys and sidewalks; all undeveloped properties including land used for agriculture; all vacant properties and properties which have been zoned but do not have building permits issued.

10. "Impervious surface" means those areas which prevent or impede the infiltration of stormwater into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

11. "Mobile home dwelling" means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is occupied as a dwelling complete and ready for occupancy except for minor unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. In the application of stormwater management fees, each mobile home dwelling property shall be treated as one half (1/2) single-family dwelling.

12. "Nonresidential properties" means all developed properties not encompassed by the definition of residential shall be defined as nonresidential. Nonresidential properties shall include: commercial property; industrial property; institutional property; churches; hospitals; schools; parking lots; and any other property not mentioned in the lists of properties. In the application of stormwater management fees, total property area will be divided by 10,000 square feet to calculate ERLs for each nonresidential property.

13. "Operating budget" means the annual operating- budget for the stormwater management utility adopted by the city council for the succeeding fiscal year.

14. "Pollutant" means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

15. "Revenues" means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.

16. "Single-family dwelling" means a residence designed for or occupied by one family only entirely surrounded by yard on the same lot. In the application of stormwater management fees, each single-family dwelling shall be one (1) ERL.

17. “Stormwater drainage system” means the system of publicly or privately owned or operated man-made facilities, structures, and natural watercourses, including rivers, streams, creeks, canals, ditches, drainage channels, culverts, flumes, pipes, catch basins, streets, gutters, and lakes within the city through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.

18. “Stormwater management” means the tasks required to control stormwater runoff using stormwater management systems, to protect the health, safety, and welfare of the public, and comply with relevant state and federal regulations.

19. “Stormwater management system and facilities” address the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, and regulation of structures and property used in the collection, retention, detention and treatment of stormwater or surface water drainage.

20. “Stormwater management utility” means the enterprise fund utility created by this division to operate, maintain and improve the system and for such other purposes as stated in this division. the utility established under this Section for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

21. “Townhome dwelling” means a dwelling unit which is detached or attached horizontally, and not vertically, to one or more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater management fees, each townhome dwelling shall be treated as one (1) single-family dwelling.

22. “Undeveloped property” means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state. Undeveloped land shall have less than 500 square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area. Agricultural property that is used specifically for row crop or animal production and has less than 500 sf of impervious surfaces (excluding row crop areas) shall be classified as undeveloped property.

23. “User” means any person owning, operating, or otherwise responsible for property within the city which directly or indirectly discharges stormwater or surface or subsurface waters to any portion of the stormwater management system or which is directly or indirectly protected by the city's flood protection system or stormwater drainage system.

117.03 DECLARATION OF PURPOSE; ESTABLISH DISTRICT.

1. The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the city and its residents that a stormwater management utility district be established within the city. Consequently, pursuant to ~~Iowa~~ ~~Code~~, § 384.84(1), a stormwater management utility district, to be known as the Grimes Stormwater Management Utility, is established, and it is ordained and declared that the property located within the City Limits of the City of Grimes shall be and constitute the stormwater management utility district, and that the utility shall comprise and include elements of the ~~e~~City's stormwater drainage and flood protection systems which provide for the collection, treatment and disposal of stormwater, surface water, and groundwater. It is further found, determined, and declared that the elements of the stormwater management utility are of benefit and provide services to all real properties within the incorporated city limits, including property not directly served by the stormwater drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff and flooding; improvement in general health and welfare through reduction of undesirable stormwater conditions and flooding; and improvement to the water quality in the stormwater and surface water system and its receiving waters.

2. It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the city and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge stormwater or surface or subsurface waters, directly or indirectly, to the city stormwater drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the stormwater drainage and flood protection improvements comprising the stormwater management utility.

117.04 POWERS, DUTIES, RESPONSIBILITIES.

The stormwater management utility shall have the following powers, duties, and responsibilities:

1. Prepare ordinances as needed to implement this division and forward the ordinances to the City Council for consideration and adoption, and adopt such regulations and procedures as are required to implement this division and carry out its duties and responsibilities.
2. Administer the acquisition, design, construction, maintenance and operation of the stormwater utility system, including capital improvements for stormwater drainage.

3. Administer and enforce this division and all ordinances, regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility system, including but not limited to the quantity, quality and/or velocity of the stormwater conveyed thereby.
4. Inspect private systems as necessary to determine the compliance of such systems with this division and any ordinances or regulations adopted pursuant to this division.
5. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the city council.
6. Review plans, approve or deny, inspect and accept extensions to the stormwater drainage system.
7. Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by state, regional and/or federal agencies as adopted or amended.
8. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility, and make recommendations regarding adjustments to such fees, charges, fines and other revenues.
9. Prepare an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending, improving, and replacing the system.
10. Administer a Homeowner Grant Program providing funding assistance for stormwater management improvements on single-family residential lots.
11. Administer a Credit Program for non-residential properties which provide water quantity or quality control through detention ponds or other stormwater management facilities.

#### 117.05 ORGANIZATION.

The eCity eCouncil shall be the governing body of the stormwater management utility. The stormwater management utility shall be under the direction, management and control of the City Administrator or designee who shall function as its director. In that capacity, the director shall supervise the day-to-day operation of the stormwater management utility, shall enforce this division and the provisions of all ordinances and regulations adopted pursuant to this division and shall carry out the policy directives of the city council acting in its role as governing body of the stormwater management utility.



117.06 STORMWATER SERVICE CHARGES REQUIRED.

Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Grimes, either directly or indirectly, shall pay to the city stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the stormwater management system and facilities and at least sufficient to pay the principal and interest related to Bonds issued for the purpose of financing all or part of those costs, and sufficient to comply with any covenants or conditions associated with any such Bonds so issued.

117.07 EFFECTIVE DATE

Stormwater service charges shall accrue beginning January 1, 2013 and shall be billed monthly thereafter to all customers.

117.08 BASIC RATE

1. Except as hereinafter noted, each customer whose property lies within the corporate limits of the city shall pay to the city, as a part of the customers combined service account with the Grimes Utility Billing Department, at the same time payment for other City utilities are made, the following charges per Equivalent Residential Lot (ERL) associated with the customer's property:
  - A. Undeveloped properties. A flat storm sewer availability charge at the rate of \$0.00 per month.
  - B. Single-family dwelling, 1 ERL: \$5.00 per month.
  - C. Duplex dwelling, 1 ERL: \$5.00 per month.
  - D. Townhome dwelling, 1 ERL: \$5.00 per month.
  - E. Mobile home dwelling, ½ ERL: \$2.50 per month.
  - F. Apartment dwelling, ½ ERL: \$2.50 per month.
  - G. Nonresidential properties: \$5.00 per ERL per month, with a minimum of 1 ERL and up to a maximum of 40 ERLs.
2. The yearly rate shall increase by 5.0% per year through 2018. As a result of the annual review of rates, as detailed in Section 117.12 of this Ordinance, the Council may choose to adjust the monthly ERL rate as necessary. Such rate adjustments shall be approved by Resolution of the City Council.
3. The number of Equivalent Residential Lots (ERL) on non-residential properties shall be calculated by reference to the Polk and Dallas County records. Stormwater fee billing will begin upon water meter installation.

117.09 RATE APPEALS.

City staff will review all rate and ERL inquiries from customers to ensure the ERL has been correctly applied to a property. Following this review, any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing to the City of Grimes City Administrator and include all necessary information to support the request for an appeal.
2. In the case of service charge appeals, the appeal shall include official property information, including total area for the property in question.
3. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
4. In response to an appeal, the City Administrator may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
5. A decision by the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
6. All decisions of the City Council shall be final.

117.10 EXEMPTION FROM FEES; SPECIAL CONDITIONS.

The stormwater management fee shall not apply:

1. If a written request is made, in special conditions the City Administrator of the City of Grimes may grant fee payment and collection variances after determining that granting the variance would be in the city's best interest, will improve efficiency, safety and is practical. Upon the granting of any variance, the City Administrator shall file notice with the City Council giving reason(s) for the variance.
2. The fee established in Subsection 117.08 for nonresidential properties recognizes that these types of development are required to provide stormwater detention and water quality treatment onsite. Having such stormwater management, therefore, is not a basis for exemption. However, property owners may qualify for a reduction to their ERL provided they fulfill stormwater management requirements and perform stormwater facility inspections and maintenance as determined by the Stormwater Utility Credit Program.

117.11 STORMWATER SERVICE BILLING.

1. All stormwater management fees shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Water service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.06 relating to lien notices shall also apply in the event of a delinquent account.
2. Stormwater fee billing will begin upon water meter installation.

117.12 ANNUAL REVIEW OF RATES.

The city has the option to review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

## CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required  
120.02 General Prohibition  
120.03 Investigation

120.04 Action by Council  
120.05 Prohibited Sales and Acts

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.~~3322~~, 123.1~~2230~~ & ~~123.17~~.)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit by the Clerk, it shall be forwarded to the peace officer, who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the Council as to the approval of the license or permit. It is the duty of the Fire Chief to inspect the premises to determine if they conform to the requirements of the City, and no license or permit shall be approved until or unless an approving report has been filed with the Council by such officers.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine and beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

(Code of Iowa, Sec. 123.32[2])

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit consumption of alcohol thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by hotel or motel to bona fide registered guests.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where it is sold.

(Code of Iowa, Sec. 123.49[2f])

5. Sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine or beer.

(Code of Iowa, Sec. 123.49[2h])

6. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2*h*])

7. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

8. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

9. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks of cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49[2d])

10. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

11. Allow any person other than the licensee, permittee or employees of of the licensee or permittee to use or keep on licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

12. Permit or allow any person under legal age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class "C" beer permit only.

## CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer	145.05 Conduct of Hearing
145.02 General Definition of Unsafe	145.06 Posting of Signs
145.03 Unsafe Building	145.07 Right to Demolish
145.04 Notice to Owner	145.08 Costs

145.01 ENFORCEMENT OFFICER. The Building Inspector is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. ~~675A.1 &~~ 364.12[3a])

145.03 UNSAFE BUILDING. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The ~~e~~Enforcement ~~e~~Officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined by this chapter, the ~~e~~Enforcement ~~e~~Officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require that building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

~~(Code of Iowa, Sec. 364.14[3h])~~

1. Notice Served. Such notice shall be served by sending by Certified Mail to owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.



2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF GRIMES, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

(Code of Iowa, Sec. 364.12[3h])

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.12[3h])

#### EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this Code of Ordinances.

Caution is urged in the use of this procedure. We recommend that you review the situation carefully and follow the recommendations of your attorney before initiating procedures.

## CHAPTER 159

ACQUISITION, DEVELOPMENT AND FINANCING OF PARK SYSTEM

159.01 Legislative Findings	159.08 Requirement of Dedication and
159.02 Short Title	Installation of Land or Easements
159.03 Intents and Purposes	for Trails
159.04 Rules of Construction	159.09 Alternative to Dedication of Public
159.05 Definitions	Parkland
159.06 Requirement of Dedication of	159.10 Exemptions and Credits
Public Parkland	159.11 Penalty Provisions
159.07 Computation of Amount of Public Parkland	

159.01 LEGISLATIVE FINDINGS. The City Council of the City of Grimes finds, determines, and declares that:

A. The City of Grimes must expand its park system in order to maintain current park standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety, and welfare. It is a primary concern that the increasing development of residential communities in the City will create a situation in which families and, more importantly, children, residing in new communities will not have open areas and safe areas in which to play and enjoy recreational activities. When such a situation arises, children often play in or near public streets. This gives rise to grave safety concerns for these children and the traveling public.

B. Requiring developers to dedicate land for public parks is one method of ensuring that new development takes care of the park needs created by the new residents and their families moving into the new developments. This must be done in order to promote and protect the public health, safety and welfare of the citizens that will be residing in, or occupying, the new developments.

C. Each of the types of land development described in Sections 159.07.A.1 hereof will create demand for park facilities and park improvements and, without a dedication of additional parkland, will create a drain on the City's current park infrastructure.

159.02 SHORT TITLE. This ordinance shall be known and may be cited as the "City of Grimes Public Parkland Dedication Ordinance."

159.03 INTENTS AND PURPOSES.

A. The purpose of this ordinance is to regulate the use and development

of land so as to assure that new developments provide for the health, safety and welfare of future residents by providing land for public parks within the City of Grimes and within areas being newly developed or redeveloped for residential purposes.

#### 159.04 RULES OF CONSTRUCTION.

A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

B. For the purposes of administration and enforcement, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

1. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
2. The word *shall* is always mandatory and not discretionary; the word *may* is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
4. The phrase *used for* includes *arranged for*, *designed for*, *maintained for*, or *occupied for*.
5. The word *person* includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity.
6. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction *and*, *or* or *either...or*, the conjunction shall be interpreted as follows:
  - a. *And* indicates that all the connected terms, conditions, provisions, or events shall apply.
  - b. *Or* indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. *Either...or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

7. The word *includes* shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

8. *Zoning Administrator* means the zoning administrator or the municipal officials he/she may designate to carry out the administration of this ordinance.

#### 159.05 DEFINITIONS.

A. A *Capital Improvement* includes parks planning, land acquisition, site improvements, buildings, and equipment but excludes maintenance and operation.

B. *Development order* means a regulatory approval by the City of Grimes.

C. A *Dwelling Unit* means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one (1) family containing sleeping, bathroom, and kitchen facilities.

D. *Multiple-Family Dwelling*. A dwelling designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each but excluding townhomes or condominiums.

E. *Single-family Attached Dwelling* includes a two family dwelling, townhomes and condominiums.

F. A *Single-family Detached* dwelling is a one family dwelling.

G. A *Mobile Home* is defined in Section 165.03.54.

H. *Private Recreational Facility* is any recreational facility which is not owned by or dedicated to the City of Grimes.

I. *Recreational Facility Improvements* consist of the acquisition and installation of equipment, building construction, grading, landscaping, and extension of services. These improvements include only those activities that are directly associated with the development of the proposed recreational facilities from raw ground.

J. *Developer* means any person, individual, firm, partnership, association, corporation, estate, trust or other entity acting or proposing to subdivide land for the construction of any of the residential buildings.

K. *Park* means any neighborhood park or neighborhood recreational trail.

L. *Pond* means any still body of standing water.

M. *Waterway* means a channel through which water runs.

#### 159.06 REQUIREMENT OF DEDICATION OF PUBLIC PARKLAND.

A. Any ~~d~~**D**eveloper who, after the effective date of this ordinance, seeks to develop land for residential purposes within the City of Grimes, Iowa shall be required to dedicate public parkland.

B. No new plats or site plans for residential development shall be approved unless and until the provisions of this ordinance are complied with.

159.07 COMPUTATION OF THE AMOUNT OF PUBLIC PARKLAND REQUIRED BY SECTION 159.06. This section shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park. Such space shall be required to be provided for by a developer who, after the effective date of this ordinance, seeks to develop land within the City of Grimes, Iowa, by submitting a plat or site plan for approval.

A. The amount of ~~P~~**P**ublic ~~P~~**P**arkland required in a proposed development shall be a minimum of 20,000 square feet and computed as follows:

1. Residential Occupancy Per Living Units: In determining the anticipated occupancy for the proposed development it shall be assumed that the following dwellings will accommodate the following number of individuals:

LAND USE TYPE (UNIT)	
Individuals Per Each Residential Living Unit:	
Single-Family Detached	2.980 individuals
Single-Family Attached	1.954 individuals
Multi-Family	1.615 individuals
Mobile Home each Unit	1.600 individuals

2. Public Parkland Per Individual: In determining the space required for public parkland in a proposed development, it shall be

required that 5 acres of recreational space be provided for every 1,000 individuals. Since some developments will not house 1,000 individuals, the space requirement is to be applied on a per individual basis. Therefore, .005 acres of public parkland shall be provided for each individual proposed to be housed in the new development based on the assumptions contained in paragraph A.1, above.

3. Calculation of Required Public Parkland For Each Development.

a. For Single Family Detached Developments generally intended for individual ownership, the following formula shall be utilized:

$$(\text{number of lots}) \times (2.980 \text{ individuals/lot}) \times (.005 \text{ acres/individual})$$

Example for illustration purposes only: For a Single Family Detached residential development subject to the requirements of this ordinance that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 2.980 \times .005 = 1.118 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least 1.118 acres of property within the proposed development.

b. For Single Family Attached Developments generally intended for individual ownership, the following formula shall be utilized:

$$(\text{number of lots}) \times (1.954 \text{ individual/lot}) \times (.005 \text{ acres/individual})$$

Example for illustration purposes only: For a Single Family Attached residential development subject to the requirements of this ordinance that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 1.954 \times .005 = .7328 \text{ acres}$$

Under this illustration, the ~~d~~Developer would be required to dedicate public parkland of at least .7328 acres of property within the proposed development.

c. For Multi Family Developments generally intended for rental, the following formula shall be utilized:

(number of units) x (1.615 individuals/unit) x (.005 acres/individual)

(Note: The 1.615 is based upon 2000 census for rental occupancy.)

Example for illustration purposes only: For a multi family residential development subject to the requirements of this ordinance that proposes 100 units, the calculation under this paragraph would be as follows:

$$100 \text{ units} \times 1.615 \times .005 = .8075 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least .8075 acres of property within the proposed development.

d. For Mobile Home Developments, the following formula shall be utilized:

(number of lots) x (1.60 individuals/lot) x (.005 acres/individual)

Example for illustration purposed only: For a mobile home development subject to the requirements of this ordinance that proposes 75 mobile home lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 1.60 \times .005 = .60 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least .60 acres of property within the proposed development.

B. If a plat or site plan is requested for mixed uses, then paragraph A of this section shall apply only to those areas of the plat or site plan devoted to residential uses.

C. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required in paragraph A of this section. The area of any pond or waterway shall be considered the top of bank of such feature.

D. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.

E. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the public parkland to be increased in size when the adjacent property develops.

F. The amount of public parkland required to be dedicated under this section shall be capped and shall not exceed the following percentages when compared to the amount of acres being developed.

1. Single-Family Detached: The amount of acres required to be dedicated as public parkland shall not exceed 5% of the total number of acres being developed as single-family detached.
2. Single-Family Attached and Multifamily: The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as long as the proposed development does not exceed 12 units per acre. If the proposed development exceeds 12 units per acre, the amount of acres required to be dedicated as public parkland shall not exceed 15% of the total number of acres being developed as single-family attached or multifamily.
3. Mobile Homes: The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as mobile homes.

159.08 REQUIREMENT OF DEDICATION AND INSTALLATION OF LAND OR EASEMENTS FOR TRAILS. Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan the developer shall be required to dedicate land or trail easements at least twenty (20) feet in width. Furthermore, the developer is required to install the trails to the width and specifications are required by the City Engineer. This land or easements, if approved by the City



Council, may serve to satisfy parkland dedication requirements. The area of this land shall be considered the length of the trail multiplied by 20-feet. This includes land that is within public right of way.

159.09 ALTERNATIVE TO DEDICATION OF PUBLIC PARKLAND REQUIRED BY SECTION 159.07. If a developer does not desire to dedicate public parkland required in Section 159.07, the developer may make a request to the City Council that the Developer be allowed to meet the requirements of Section 159.07 through other arrangements agreeable to the City Council and the Developer as long as such agreement provides equal value to the City. Such arrangements shall be made between the City Council and the Developer in the form of a Development Agreement.

159.10 EXEMPTIONS AND CREDITS.

A. The following shall be exempted from the requirements of sections 159.06, 159.07 and 159.08:

1. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changing.
2. The construction of accessory buildings or structures.
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
4. The installation of a replacement mobile home.
5. The construction of any non residential building or structure or the installation of a nonresidential mobile home.

Any claim of exemption shall be made no later than the time of application for a preliminary plat approval. Any claim not so made shall be deemed to be waived.

159.11 PENALTY PROVISION. A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Grimes shall have the power to issue a civil infraction for any violation of this chapter and shall be entitled to any fines, injunctive relief and other remedies allowed the City under the civil infraction provisions of the Code of Iowa. It is specifically declared that the failure or a

developer, individual or entity to comply with the above provisions of the Public Parkland Dedication Ordinance, shall be a nuisance subject to all fines and remedies provided in this Code.